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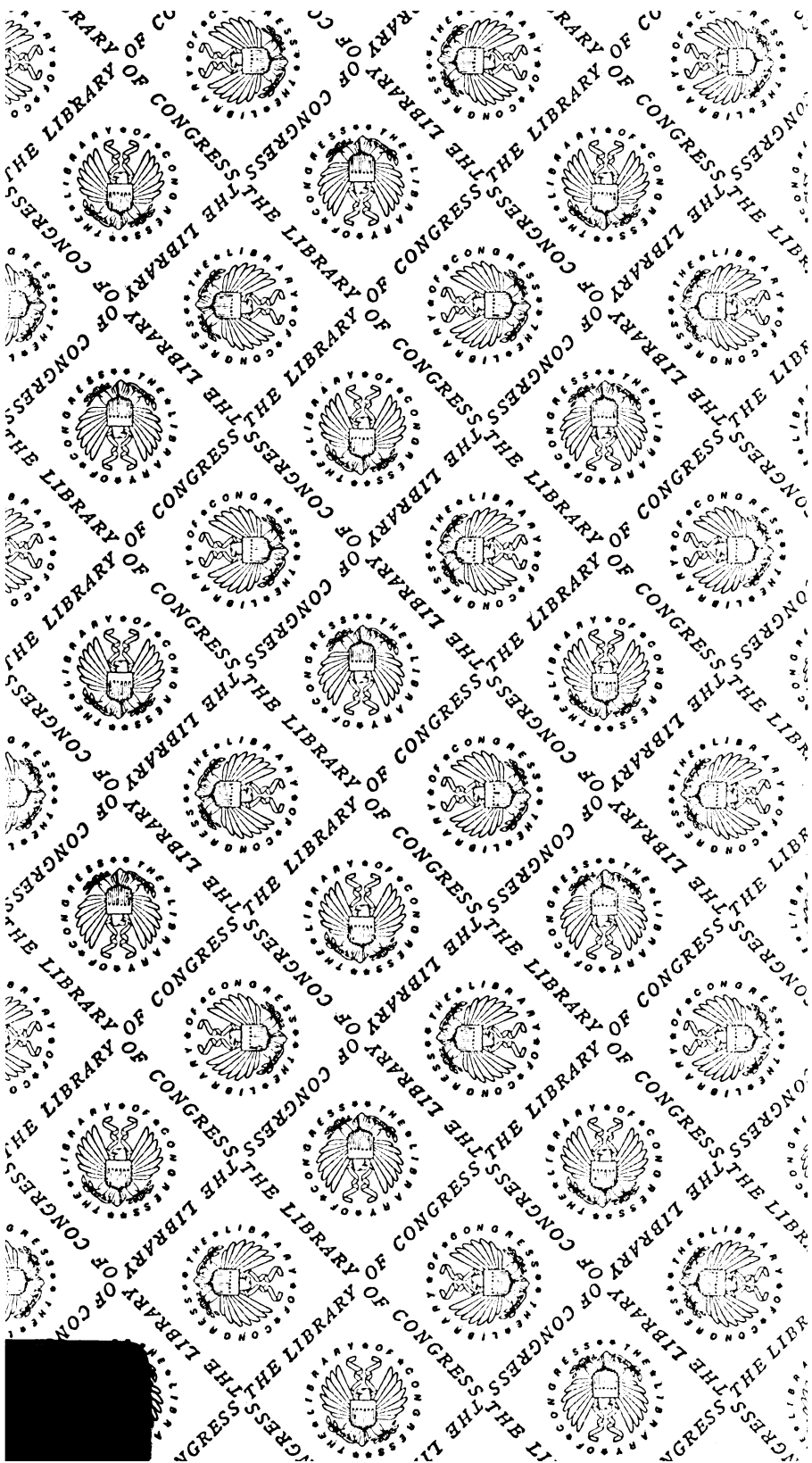
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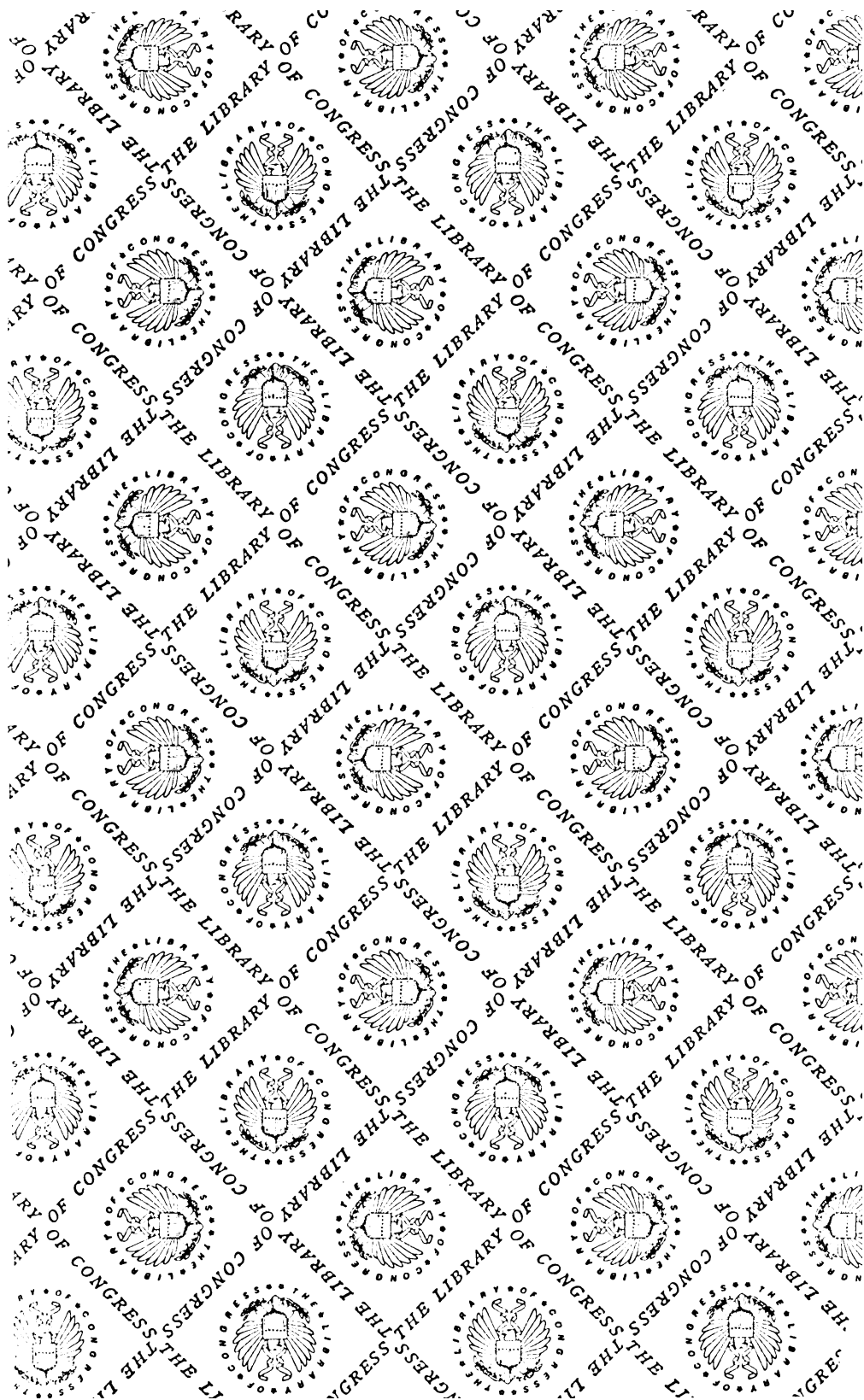
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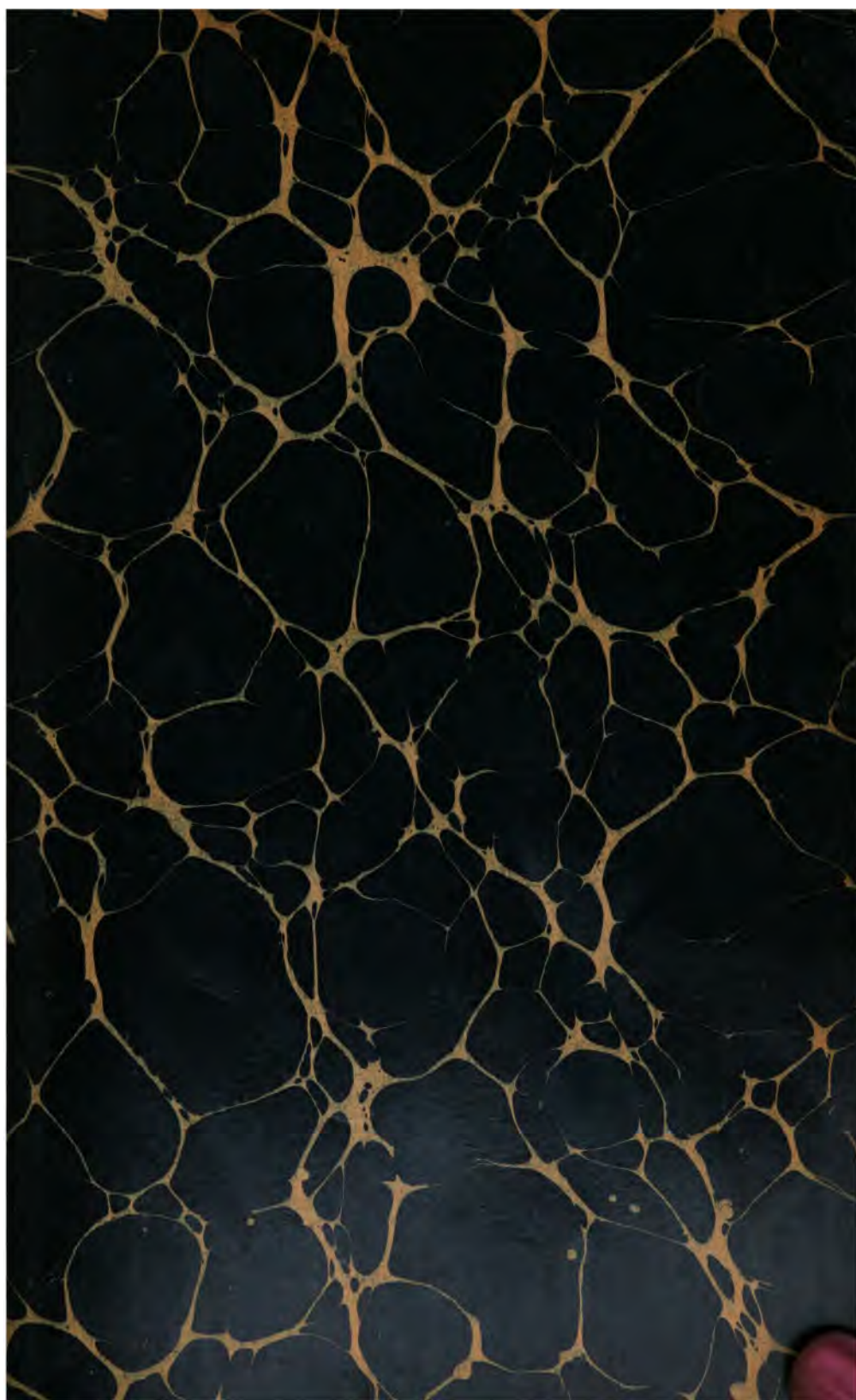
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*U. S. Congress, Senate, Committee 55780*  
*" on the judiciary H*  
**AMENDMENT TO THE CONSTITUTION PROHIBITING  
INTOXICATING LIQUORS**

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## HEARINGS

BEFORE A

# SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY UNITED STATES SENATE

SIXTY-THIRD CONGRESS

SECOND SESSION

ON

### S. J. RES. 88 and S. J. RES. 50

PROPOSING AN AMENDMENT TO THE CONSTITUTION PROHIBITING  
THE SALE, MANUFACTURE, AND IMPORTATION  
OF INTOXICATING LIQUORS

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### PART 1

APR 16, 1914

(Printed for the use of the Committee on the Judiciary)

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## AMENDMENT TO THE CONSTITUTION PROHIBITING INTOXICATING LIQUORS.

THURSDAY, APRIL 16, 1914.

SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,  
UNITED STATES SENATE,  
*Washington, D. C.*

The subcommittee met at 10.45 o'clock a. m.

Present: Senators Chilton (chairman) and Borah.

The CHAIRMAN. This is a meeting of the subcommittee of the Committee on the Judiciary of the Senate having in charge the different joint resolutions concerning a proposed amendment to the Constitution of the United States establishing national prohibition.

Senator Fletcher, a member of the committee, is in Florida, and Senator Dillingham, also a member of the committee, is also out of the city; and Senator Shields, also a member of the committee, is at home ill, but I telephoned to Senator Shields this morning, and he directed me to proceed and count him as present for a quorum. We can do that under our rules, and Senator Shields will come in later if he is able. He has been confined to his room. So we can go on with the hearing. It will be taken down and printed, and the other members of the committee can read it. Senator Borah and I would prefer to go ahead at this time, and we can do so by counting Senator Shields as present for the purpose of making a quorum.

Are there any persons present who desire to be heard on this matter?

Senator SHEPPARD. Mr. Chairman, Dr. Dinwiddie is in charge of the time of the proponents of this measure, and he will announce the names of the speakers.

The CHAIRMAN. That will be satisfactory.

### STATEMENT OF REV. EDWIN C. DINWIDDIE, LEGISLATIVE SUPERINTENDENT OF THE NATIONAL ANTISALOON LEAGUE.

Mr. DINWIDDIE. Mr. Chairman, in view of the fact that Senator Sheppard is the author of one of the joint resolutions on this subject now before the committee and is the sponsor of the resolution in the Senate, I would like to give way to him at this time.

The CHAIRMAN. We will be glad to hear from Senator Sheppard now.

### STATEMENT OF HON. MORRIS SHEPPARD, A UNITED STATES SENATOR FROM THE STATE OF TEXAS.

Senator SHEPPARD. Gentlemen of the committee, as the introducer of the national prohibition amendment in the United States Senate



(S. J. Res. 88), I desire to preface the hearings you have so kindly granted on this subject with a brief discussion. In the beginning, let me say that the prohibition forces desire the resolution amended by inserting after the word "power," in line 13, page 2, the words "only in concurrence with the States," our purpose being not to have the Federal Government supplant the States in handling this question but to cooperate with them.

The liquor traffic is a permanent menace to the Nation. It is the distribution for profit of a habit-producing drug in liquid form, a seductive poison that breaks down the vital processes of the body, destroys the capacity to resist disease, undermines intelligence, strength, and health, impairs the moral senses, composes the chief source of poverty, insanity, feeble-mindedness, sickness, crime, and transmits an hereditary taint that seriously handicaps posterity. It is the enemy of virtue, honor, manhood, all that life holds sacred, all that life holds true. It is diverting from productive channels a sum now approximating two and a quarter billions of dollars every year, representing an ever-growing proportion of the earnings of the people, a sum which would otherwise be used in building and improving homes, in providing for substantial needs such as clothing, food, shoes, other comforts and necessities, for education, for benevolent undertakings of all kinds. It is time for the Nation to act when more money is being spent every year for intoxicating liquors than for bread or for clothes. Such is the power of the drug that men will vote against it, speak against it, pray against it, and then hold out their trembling hands for the glass that damns. Surely it is a short-sighted statesmanship that would permit \$2,000,000,000 to be worse than wasted each year in the production of misery and vice and shame in order that the Government might obtain a revenue of two hundred and twenty millions. If this Republic can not live without the dirty dollars it obtains from the liquor traffic, dollars stained with the tears of women and children, it ought not to live. There are legitimate sources of revenue yet untouched. There are few direct taxes on luxuries. The income tax has little more than scratched the surface of enormous wealth. There is no Federal inheritance tax. Nonalcoholic beverages are untaxed. The national domain, with measureless mineral resources, water powers, forests, and the like, could be managed so as to produce a yearly usufruct of fifty or one hundred millions. The pension roll at last gives promise of rapid decline.

The proponents of the national prohibition amendment assert that the American Republic can not endure if the liquor traffic continues to absorb the earnings and the energies of the people—to threaten their moral and material welfare. The annual consumption of wines and liquors now average about 22 gallons for every man, woman, and child in the United States. We assert that this country can not withstand the economic loss that comes from an annual waste of two and a quarter billions of dollars, a sum more than double the national debt, and from the use of millions of fertile acres for the production of grain and fruit to be rotted into alcohol, but for which these acres would be making bread and meat for the Nation's sustenance. It is an evil transcending the scope of police powers that pertain to the morals, the health, the physical safety of State populations, although it is partially within the scope of such powers. It portends economic

disaster for the Nation. The Nation is threatened and the Nation must act. The preservation of the Republic demands that the traffic in intoxicating liquors shall cease. It is an evil of such proportions and of such character that the Nation must take part in the struggle against it.

This Nation-wide prohibition amendment proposes that the Federal Government shall cooperate with the States in the destruction of the liquor traffic. I can not see that it violates in any way the fundamental plan on which our Government was founded or contradicts in any sense the doctrine of State rights. As I understand our history, the Federal Government is the creature of the States and possesses only such powers as are expressly or impliedly delegated by the States. I do not understand that the States are unable to delegate any further powers than those they conferred when the Constitution was originally framed. Whenever it appears to three-fourths of the States that the welfare of the country demands that additional functions should be delegated to the General Government, such States have the power and the right to delegate such functions through proper constitutional processes on such conditions as they deem proper and the whole performance is in consequence with the true theory of American Government. By this amendment the American people, speaking through the Federal Government, their only collective mouthpiece in a governmental sense, will declare that the liquor traffic is an outlaw in every part of the United States, that the Federal Government shall be empowered to enforce such declaration in concurrence and only in concurrence with the States, and that those States which have no laws against the traffic and desire no laws against it have not the right to harbor so frightful a menace to the happiness and prosperity of the Nation. Under this amendment no State will be deprived of the power to legislate against the traffic.

We want the battle to continue in family, precinct, county, State, and Nation. No unit of government or of society is too small, no unit is too large to have a place in the ranks now gathering for this conflict under the banners of Almighty God. The liquor traffic is so firmly intrenched in some sections of the country that national action will be necessary to exterminate it. We are not simply citizens of States. We are Americans above all things else. We can not wrap ourselves in the mantle of a narrow localism. We can not successfully combat national evils by confronting them only in our immediate territory. What would be thought of the man who after apparently conquering the flames in his own room in a hotel would in fancied security sit gravely down to watch the fire devour every other portion of the structure? Let me tell you that if the liquor traffic is permitted to take refuge in one State or in a few States it will be only a matter of time until the whole battle must be refought in every part of the Union.

Let me pay the liquor forces the tribute of saying that they are as shrewd and tireless a set as ever vexed humanity in the cause of evil. They told us when State-wide prohibition was first discussed that the county was the proper unit of local self-government. Now, when Nation-wide prohibition is contemplated, they say the State is the proper unit. They are the most zealous defenders of "local self-government" the world ever saw, but they always make the

locality small enough to leave the liquor traffic in operation somewhere beyond its borders. Let prohibitionists be not deceived. The cry of "local self-government" and "State rights" is being raised to-day in the interest of the liquor traffic. Some prohibitionists are being influenced by the cry, but they will soon see the real situation and join their brethren on the fighting line.

An area equal to nearly three-fourths of the national territory containing about half our population has been voted dry, but from its citadels in certain sections the liquor traffic still floods the land with its destructive tide. The consumption of intoxicating liquors is increasing. It was greater last year than ever before. Men, women, and children are succumbing to its pitiless advance. The devastation would be far more rapid but for prohibition in many States and counties, yet it is nevertheless on the increase. State-wide prohibition is good and we must fight for it at every opportunity. The Webb law is good and we must preserve it. But not until the American people as a whole unite, and acting through their collective Government say that the liquor traffic shall exist nowhere within our borders will the body of this death be permanently lifted.

Gentlemen, it is safe to say that many millions of the American people desire this amendment submitted. Whether you believe in it or not, give the American people a chance to discuss it and to pass upon it. If it should be rejected, one phase of a great issue will have been definitely settled at least for a long period. If it should be adopted, the blessings of heaven will be yours for having aided in securing one of the mightiest reforms of time. We believe that we are entitled to have this tremendous question submitted to the American people acting through the American States. All that we ask is the American privilege and the American right of presenting our cause in the proper forum of American constitutional opinion. [Applause.]

The CHAIRMAN. The committee have not had any consultation in regard to the time or the order of the hearing.

Senator SHEPPARD. If you will permit, Mr. Chairman, Mr. Dinwiddie has a list of the speakers, and I would be glad if you will allow him to call on the different speakers.

The CHAIRMAN. I think we ought, if possible, to have some understanding about the time required by each side.

Mr. DINWIDDIE. I was going to ask, Mr. Chairman, if we had not better before proceeding, have, if, possible, some agreement so that we may divide the time with the opponents of the measure who are here?

I think the hearing was arranged primarily for the proponents of the measure, supposing the opponents of the measure would ask for time in which to be heard, and we will be very glad to suit the convenience of the committee and the opponents of the measure by having an understanding as to the time.

The CHAIRMAN. The hearings are arranged to hear anybody, any organization or any person who may want to be heard.

Mr. DINWIDDIE. I understand that thoroughly. What I meant was that this particular hearing this morning was arranged for the proponents of the measure. There are other people here who want to be heard in opposition, and I would be glad if some definite arrange-

ment could be made at this time in regard to hearing from the opposition.

The CHAIRMAN. Every opportunity will be given them to be heard.

Mr. DINWIDDIE. How long does the committee desire to sit to-day?

The CHAIRMAN. So far as I am concerned, I am here either for the day or night. Both Senator Borah and myself are on the Inter-oceanic Canals Committee which is now having hearings on the Panama Canal tolls proposition, and we have gotten away from that hearing at this time so that we can accommodate ourselves to the people who are here.

Mr. DINWIDDIE. We can come back this afternoon, if that is desirable?

Senator BORAH. I dislike to be away from the other hearing any longer than is necessary. I do not care to hear very much discussion as to the necessity for prohibition, but I would like to hear some arguments as to whether this is the most effectual way to get it or not. I made up my mind a good while ago on the other question. But I want effectual prohibition or the most effective possible.

Mr. ADOLPH TIMM. In behalf of the opponents of this measure, I desire to say we did not receive notice of this hearing until last night, and while I am here this morning in behalf of the organizations which I represent in opposition to this resolution—to present our informal protest against the resolution—I would like to ask that, if possible, a time be fixed when we may be heard and when we may present arguments which would be required in a case of this kind and give intelligent statistics, which are not prepared and ready to present at this time. There is no need of the opponents of this measure taking up your time until we are prepared to present our case in a thorough and intelligent manner. I desire to say in behalf of the German-American Alliance and other organizations who are interested in opposition to this resolution, that we would be content to-day if we can have a time set for presenting our protests and be granted a time when we can be heard fully on the question.

The CHAIRMAN. We want to grant the opponents of this resolution such time as they may desire to present their case.

Mr. TIMM. We will suit the convenience of the committee, but I think we ought to have a week or 10 days' time to prepare for such a hearing. We will have speakers who are properly prepared to give you an interesting review of the situation. This protest is on behalf of entirely disinterested people who are not engaged in the liquor traffic. We think we can give you a disinterested view of this question.

Senator BORAH. What do you mean by "disinterested"?

Mr. TIMM. That we are not financially interested in the liquor traffic one way or the other. It is the question of personal privilege and personal liberty to which we wish to address ourselves, representing citizens of this country who have been born here of German parents.

Mr. SIMON WOLF. Mr. Chairman, I simply wish to voice my approval of the sentiments already expressed by the representative of the German-American Alliance and to state that I am representing their interests here also as far as possible, and also the interests of the American Jewish congregations, and the great international

and national body of the Order of B'nai B'rith, and the local German societies, 28 of them; and I wish to state that I am not here as a representative of any saloon interests, but simply am fighting for the principle to which I have devoted the best years of my life; and therefore I would like to have some time to discuss a question of such vital importance, not only to our city, but to all the people of the United States.

The CHAIRMAN. How much time would you like to have?

Mr. WOLF. Personally, I would not want more than 10 minutes.

The CHAIRMAN. I did not mean you personally, but how much time would you want on your side? This committee wants to give everybody an opportunity to be heard.

Mr. WOLF. We ought to have about 10 days in which to notify our people.

The CHAIRMAN. I mean how much time would you want in which to present your case?

Mr. WOLF. We ought to get through, I think, in a day.

The CHAIRMAN. The committee do not want to limit anyone. Of course, this is a matter which has been discussed for many years, and this committee reads the papers and the magazines, and gets a good deal of information from those sources and other similar sources; and while we want to give everybody as much time as they desire, we do not want to spend time unnecessarily in the discussion of this subject.

Mr. WOLF. I was in hopes that the proponents of the bill would finish to-day; if possible, and let us have a chance to reply later on.

The CHAIRMAN. How would it be if you would have a conference at the close of the hearing to-day and suggest to the committee the amount of time you would want to occupy, and also suggest what day would be most convenient for you? As far as possible, I think, the committee will try to accommodate you.

Representative RICHMOND PEARSON HOBSON. Mr. Chairman, in connection with the plan for a hearing of the opponents of the measure, may I ask that provision be made also for a rebuttal on the part of the proponents of the measure after the hearing of the opponents, that the hearings be not concluded after the opponents of the measure finish? I desire to make a statement after the opponents have concluded their hearing.

The CHAIRMAN. I take it the committee will want to hear anybody who may want to present an argument on this question; that is, of course, within a reasonable limit.

Mr. DINWIDDIE. I think we shall only want a couple of hours to-day. I think we would probably not want any more time than may be taken by the opponents of the measure, and possibly not as much, but I think we would like to close the case in the ordinary legal fashion.

Mr. WOLF. We would like to have our hearing postponed, if convenient, for about two weeks. That would give us ample time to answer the arguments which will be stated in favor of the pending resolution, and the persons who are in favor of the resolution can be present when we appear before the committee, and if they desire to answer anything we may say, if they consider that what we say is worth answering, the chairman can grant them the privilege of appearing before the committee in rebuttal.

Senator BORAH. After the debate on the tolls question begins in the Senate we can not have hearings for any length of time on any one day, because the matter would not be given the consideration it ought to have. We ought to get this out of the way before that debate begins, if possible.

Mr. WOLF. On further consideration, I think 10 days will be sufficient for us.

Mr. DINWIDDIE. Mr. Chairman, the opponents say they can get ready in 10 days.

Mr. TIMM. Our people, Mr. Chairman, are all engaged in other occupations, and it takes time for them to properly arrange for a trip to Washington. It takes time for them to arrange to have other people do their work while they make the trip to Washington.

Senator BORAH. So far as I am concerned, I am interested in but one proposition in connection with this matter. I want those who may be prepared to do so to show the effectiveness of this kind of action—that is, by constitutional amendment. I am not convinced that a national prohibition amendment will be as effective as some think it will be at first blush. I suppose, following legal practice, that a court ought not to announce its opinion in advance, but I do not feel in the same position as a court. I made up my mind a long time ago as to the necessity for exterminating, if possible, the liquor traffic, but I want to be absolutely certain that I do not make a mistake in trying to do it the wrong way. I wish those who are in favor of the amendment would bear that in mind, because that is the one point that interests me most.

My experience has been that the National Government does not enforce its laws even as effectively as the State.

The CHAIRMAN. We can go on with this hearing to-day and let the opponents of the resolution confer in regard to the matter and suggest a time when they would like to be heard.

Mr. TIMM. Mr. Chairman, the opponents of the resolution are practically agreed that if you give us 10 days' time and fix a day when we may be heard, we will be prepared for a hearing at that time, and we only desire, if possible, that a day may be fixed now so that we can give our people ample opportunity to be here.

The CHAIRMAN. We have the difficulty which Senator Borah suggests. We are about to go into a debate the latter part of this month in regard to the Panama Canal tolls question, and that is a matter of such general interest that everybody will regret to have any "mortgage" on his time during that period. We have always found some way to have these hearings, however, and I am willing to take chances on that. I think we could probably, if necessary, hold night sessions. That would not be so hard for us to do, at least as far as I am concerned, because I am working at night, anyway.

Senator BORAH. That is satisfactory.

Mr. WOLF. I am perfectly willing to go on to-day, if the proponents will conclude in time.

The CHAIRMAN. Will it be possible for the opponents of the measure to be ready, say, by the 25th of this month?

Mr. WOLF. That would give us about 10 days in which to prepare.

The CHAIRMAN. I am willing to fix the day to hear the opponents on the 25th—that is, a week from next Saturday—beginning at half past 10 o'clock in the morning.



Senator BORAH. That will be satisfactory to me.

The CHAIRMAN. Then we will hear the opponents of the measure on Saturday, April 25, at 10.30 o'clock in the morning.

Mr. DINWIDDIE. Mr. Chairman, in harmony with what I think is the understanding, that we are to have as much time as the opponents, we will reserve a sufficient amount of time in which to close our case after the opponents have presented their arguments.

I am going to cut myself out entirely to-day, so that other people may be heard at this time, people who are here, many of them, from a distance, and whom I think the committee would like to hear. We will go through our list of speakers as rapidly as possible and not take up any more time than is necessary.

I want to introduce at this time Mrs. Margaret Dye Ellis, the legislative superintendent of the National Woman's Christian Temperance Union, who will introduce to the committee Miss Gordon, the acting president of the National Woman's Christian Temperance Union.

The CHAIRMAN. We will be glad to hear Mrs. Ellis.

**STATEMENT OF MRS. MARGARET DYE ELLIS, LEGISLATIVE SUPERINTENDENT OF THE NATIONAL WOMAN'S CHRISTIAN TEMPERANCE UNION.**

Mrs. ELLIS. Mr. Chairman, we are here as the representatives of the Woman's Christian Temperance Union of the United States. A number of different States are represented, and we wish you to hear from the representatives of these States. We want them to present to you their desires concerning this measure.

I have here just a little practical illustration of what prohibition has done for this country [showing map]. I think that will show you why we desire national constitutional prohibition. There are 41,000,000 people living under prohibitory laws in this country at this time. We have nine States which have State-wide prohibition. Maine, North Dakota, Kansas, and Oklahoma have constitutional prohibition; and North Carolina, Georgia, and Mississippi have statutory prohibition. We believe that the people of the country desire a voice in regard to this.

The CHAIRMAN. My State of West Virginia has constitutional prohibition, beginning July 1, 1914.

Mrs. ELLIS. West Virginia, by a majority of 92,000 votes, has adopted constitutional prohibition. [Applause.] But they have not yet come into the possession of the good. It is coming later.

At this time I would like to present to the committee Miss Anna A. Gordon, of Illinois, who has been for 16 years vice president at large of the National Woman's Christian Temperance Union, and who is now the acting president of the National Woman's Christian Temperance Union.

The CHAIRMAN. We will be glad to hear from Miss Gordon.

**STATEMENT OF MISS ANNA A. GORDON, ACTING PRESIDENT OF THE NATIONAL WOMAN'S CHRISTIAN TEMPERANCE UNION.**

Miss GORDON. Mr. Chairman, the National Woman's Christian Temperance Union is numerously represented here this morning by prominent leaders from many States. Our organization for 40

years has been hard at work for the prohibition of the manufacture and sale of alcoholic liquors. We have organizations in thousands of localities in every State in the Union, and our membership reaches a total of nearly 300,000 women.

Our organization has, within a few days, met with an overwhelming loss in the passing onward of our much-beloved president, Mrs. Lillian M. N. Stevens. I am not here this morning to make any argument, although I should like to do so at some time in the future, but I have come to bring you a message from Mrs. Stevens. Only a week ago last Sunday, when suffering greatly, she told me she had prepared a very brief statement and would like me to take it to Washington and read it at these hearings. She had fully intended to be present and present an argument on behalf of the Woman's Christian Temperance Union to the members of this committee. As she told me this she added, with a smile, "Everything is well in line for national constitutional prohibition," and her spirit was always a victorious spirit, and we believe the opinion of one who, when she was lying there in the old city of Portland, during the funeral services over her remains, was honored by the governor of the State ordering the flag at half-mast on the old capitol, will have much weight. I reverently read the message Mrs. Stevens wrote to show her faith in the movement. This is what she wrote:

The movement for national constitutional prohibition is meeting with greater favor than I dared to hope on that memorable evening, September 10, when on behalf of the World's and National W. C. T. U. I made the proclamation, and I dare to hope almost everything for the temperance cause. I know we are to win.

In whatever world I am my activities will be devoted to this end.

The destruction of the liquor traffic will glorify God in heaven, and on the earth will hasten the establishment of the Kingdom of our Lord and Saviour Jesus Christ.

Portland, Me., March 24, 1914.

LILLIAN M. N. STEVENS.

The members of the committee will remember Mrs. Stevens standing here two years ago and speaking from her heart and from her wise head on this great question, and you will recall that just at the close of that far-famed battle in Maine in 1911 for the retention of Maine's constitutional prohibitory law, the evening before the vote was to be taken Mrs. Stevens gave a proclamation in the old city of Portland, calling on all organizations to work for constitutional prohibition. I would like to file a copy of that proclamation with you and read only a part of it. In that proclamation she said:

In the name of the World's and National Woman's Christian Temperance Union we hereby make this proclamation for a great crusade to carry the vital truth (concerning alcohol) to the people themselves in all lands, and through them to place prohibition in the organic law of all nations and ultimately in the organic law of the world; and to this high end we invoke the blessing and guidance of Almighty God and the cooperation of the men and women of all lands who love their fellow men, and

To America, the birthplace of local, State, National, and World's Woman's Christian Temperance Union we hereby proclaim that within a decade prohibition shall be placed in the Constitution of the United States; and to this end we call to active cooperation all temperance, prohibition, religious, and philanthropic bodies, all patriotic, fraternal, civic associations, and all Americans who love their country.

On behalf of the National Woman's Christian Temperance Union, Mr. Chairman, I ask you to favorably report this resolution from your committee and help to give the citizens of the States an oppor-

tunity to vote upon the question, for I believe the adoption of the amendment will mean greater health, greater happiness, greater wealth, greater efficiency, and the protection of our boys and girls in this Republic. I thank you, Mr. Chairman. [Applause.]

(The text of the proclamation referred to is as follows:)

PROCLAMATION FOR NATIONAL CONSTITUTIONAL PROHIBITION.

[Lillian M. N. Stevens, President National Woman's Christian Temperance Union, Portland, Me., Sept. 10, 1911.]

Whereas modern science has definitely established for all time that alcohol is a toxin, the worst product of the ferment germ—a poison to every living tissue, destructive and degenerating to the human organism, striking at the health, character, and life of the individual, blasting the lives of children unborn, and undermining the integrity of the family;

Whereas "wine is a mocker" and the maintenance of alcohol beverages in the channels of trade always causes their widespread use among the people, entailing incalculable economic loss in productiveness and heavy burden of taxation; turning out multitudes of slaves and solons of drink: lowering in an appalling degree the average standard of character of citizenship, upon which the Nation's institutions and liberties must rest; bringing about the untimely death of many thousands of citizens, exceeding in numbers all those destroyed by war, pestilence, fire, flood, and famine combined;

Whereas this terrible disease has been running for long centuries and is now gnawing at the vitals of the nations and civilizations of to-day, gripping the governments of the world, and is interwoven into the political, commercial, and social life of the peoples, constituting thus the deepest seated, most chronic organic disease known to the body politic and body social;

Whereas such a disease for a permanent cure requires of necessity deep, continued organic treatment for the whole body, for which partial superficial devices like legalization and local regulation have always proved and from their own nature must always prove utterly inadequate;

Therefore, in the name of the World's and National Woman's Christian Temperance Union, we hereby make this proclamation for a great crusade to carry the vital truth to the peoples themselves in all lands, and through them to place prohibition in the organic law of all nations and ultimately in the organic law of the world, and to this high end we invoke the blessing and guidance of Almighty God and the cooperation of the men and women of all lands who love their fellow men; and

To America, the birthplace of the local, State, National, and World's Woman's Christian Temperance Union, we hereby proclaim, amid the smoke of the second great battle of Maine, in the home of Neal Dow, and in the State which longer than any other has had a prohibitory law, that within a decade prohibition shall be placed in the Constitution of the United States; and to this end we call to active cooperation all temperance, prohibition, religious, and philanthropic bodies; all patriotic, fraternal, civic associations, and all Americans who love their country.

MR. DINWIDDIE. Mr. Chairman, I would like now to introduce Rev. Dr. James Cannon, jr., of Richmond, Va., representing the Methodist Episcopal Church South, and superintendent of the Virginia Antisaloon League, and a member of the national executive committee of the Antisaloon League.

THE CHAIRMAN. We will be glad to hear Dr. Cannon at this time.

**STATEMENT OF REV. DR. JAMES CANNON, JR., OF RICHMOND, VA., REPRESENTING THE METHODIST EPISCOPAL CHURCH SOUTH, SUPERINTENDENT OF THE VIRGINIA ANTISALOON LEAGUE, AND A MEMBER OF THE NATIONAL EXECUTIVE COMMITTEE OF THE ANTISALOON LEAGUE.**

DR. CANNON. Mr. Chairman, in view of the statement made by the Senator from Idaho [Mr. Borah], I shall address myself almost entirely to that phase of the question.

I know the members of the committee who are present, and I doubt not the other members of the committee, are fully cognizant of the facts in reference to the ravages of the liquor traffic, and it is not necessary for me to give any statistics to the members of this committee on that point.

The real question, as I see it, is this, has the time come for the Congress of the United States to give to the people of the several States an opportunity to decide for themselves whether they desire this amendment to the Constitution? I know, of course, that there is a certain responsibility attaching upon the Congress of the United States in submitting any proposition, a very grave responsibility, and yet it does seem to me that in view of the general trend of political thought in our day, whenever it becomes evident that a large percentage of the people desire an opportunity to express themselves upon a great question, the body in whose hands is committed the right to decide whether the people shall have that opportunity could at least divide the responsibility with the people as to the decision of that question.

And so, while I am going to say that it is impossible for us to meet the question that Senator Borah has asked as to the effectiveness of this method, because it has never been tried, and we do not know just how effective it may be for the United States Government to be behind the law, a national prohibitory law, yet we do feel that the question has assumed such great importance and the people of the country are so much in earnest about it that Congress ought at least to give the people an opportunity to exercise the right, if they desire, to do it.

Now, as to the matter of the effectiveness of the enforcement of the law by the United States Government, I would like to call the attention of the members of the committee to the fact that it is not our thought at all in the adoption of this amendment that we shall take from the States the right to cooperate with the General Government in the enforcement of the law.

It will not be a question of simply whether the United States internal-revenue officers and the United States courts shall themselves be effective, but, when the State has this law on the subject, and a violation of the State law has been committed by an evildoer, we believe that it is possible, just as we have it to-day.

The United States officers in the State of Virginia come along and prosecute a man who has not the internal-revenue tax receipt. He is brought into court and prosecuted for a failure to have that receipt. The United States Government takes hold of him, and that in our State is prima facie evidence of intent to violate the law, and our local court takes that man up and gives him a further sentence.

It is not our purpose to take from the State the cooperative power with the General Government in enforcing our State-wide law. The object of the amendment proposed a while ago was that all action on this subject should be concurrent and not contrary to the laws of the several States.

The only question that we raise now is, has the time really come for an amendment to the Constitution? Is this a local issue? Is it a matter for the town only, for the county only, or for the city only, or has it become evident to all of us that the liquor traffic is

of such a character that the only possible way to handle that traffic is by having the national hand of the Government placed upon it?

I am a State-rights man; just as strong a State-rights man as you can find, and I believe that the State sovereignty should be preserved until it becomes evident that we have a problem to deal with that is not local in its character, that is not State wide only, but is Nation wide. We might compare it to the great divorce evil. There is a great sentiment in the Nation to-day, a feeling that the States, owing to the interlacing of their relationships with other States, are incompetent to deal with the divorce question. I do not say that may be the consensus of opinion finally, but that seems to be the sentiment among a number of people now.

The liquor traffic overrides all State bounds, and it ceases to be a geographical question.

The preamble to our Constitution says that the Constitution is adopted "in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity."

Now, whenever the time comes when, in order to promote the general welfare, it is necessary for the States to delegate a right—and let us be frank and declare that whenever it becomes necessary for the State to delegate a right which the States have always theretofore possessed, to the General Government, when three-fourths agree to that, the question of State sovereignty is no longer a question for discussion; it is a question of what is best for the general welfare.

The question might very naturally be asked, is there a sufficient demand for this? You may ask, are you not simply the representatives of organizations, who, because of their interest in a certain propaganda, are here clamoring for certain things?

I take it for granted that the Senators on this committee, and that the Members of the Senate of the United States, as one of the Senators said, do read the newspapers and magazines and that they know the general trend of public opinion; that they know there is no issue to-day which is more prominent in the minds of the American people than this issue, and that the fact that a number of States are going to vote on State-wide prohibition this summer, and that others States are having the question of local option laws brought up and passed upon, and that there is not a State in the Union where there is not a continuous agitation against the liquor traffic and an effort to secure laws that will in some degree ameliorate the terrible effect of it; I say I am satisfied that this committee, the members of this committee, are cognizant of this fact. We might bring petitions here signed by millions of people in favor of this amendment; we believe they could be gotten. I believe some have already been presented. I do not know how many have been presented to the committee.

It does not seem to me that this is a matter concerning which the committee should depend simply upon petitions as to the proof that a great number of people want to have this amendment submitted, but it is a matter for them to exercise their intelligence about, and to utilize their knowledge of conditions in the Nation, and so to decide whether, in their judgment, the people are sufficiently aroused

for them to give to the people who want this thing the opportunity which they ask for.

When it comes to the questions of the blessings of liberty, these gentlemen who spoke to the committee a while ago appeared as the representatives of personal liberty. Well, personal liberty is a relative term. If a man is on a desert island or if he is situated like Robinson Crusoe, with nobody but animals and trees and inanimate things, he might dress as he pleased or do anything which he pleased, but the minute a man comes into society, the minute a man becomes a part of society, the minute a man claims the privilege of society and gets into the complex society of the present day, at once it becomes a question of right, the limitation of rights.

Society is distinctly based upon the limitations of rights, the give-and-take principle. So the question of personal liberty is altogether a relative term, and the moment society becomes convinced that the exercise of any form of personal liberty is damaging to society or is a menace to the community life, then society steps in and does not hesitate, and says to a man, "Your rights cease when they begin to infringe on others' rights." The minute an automobile driver gets on a crowded thoroughfare the hand of the law steps in and says: "Slow up. It is your machine here just as much as it was on the unfrequented road where nobody runs, but here you are in the midst of society, and here other people's rights come in." It is exactly that way in regard to the use of strong drink.

Just how far we can go in determining what shall be the personal habits of men? Just to the point of saying that when the exercise of your right to drink liquor infringes upon the safety and the happiness and the comfort of society, then you must give up that right, and we are not doing you any wrong in saying that if you do not stop society can put its hand upon you and determine what limit there shall be placed upon you.

In regard to the question of the blessings of liberty we think the time has come when the abuses of liberty must cease, and the fact that a man cries personal liberty has no meaning to-day in the complex civilization in which we live. A man must define whether the exercise of personal liberty means patriotism or crime or revenge; does it mean that, and if it does society says at once: "We will restrict that; we do not propose to allow any nuisance to exist, whether it is a matter of drinking liquor or whatever it may be."

The CHAIRMAN. Are you not taking up a burden that is not necessary under this proposed amendment? This proposition, as I understand it, simply goes to the business of selling. It does not go to the personal habits of anyone.

Dr. CANNON. No; it does not do that, but the result would be—

The CHAIRMAN (interposing). It simply takes hold of the business?

Dr. CANNON. Yes; and trying to destroy the traffic. That is true, but of course we have to remember the results of the traffic.

Mrs. ELLIS. Mr. Chairman, I would now like the committee to hear Mrs. Silena M. Holman, the president of the Woman's Christian Temperance Union of Tennessee.

The CHAIRMAN. We will be glad to hear Mrs. Holman at this time.



**STATEMENT OF MRS. SILENA M. HOLMAN, PRESIDENT OF THE  
WOMAN'S CHRISTIAN TEMPERANCE UNION OF TENNESSEE.**

Mrs. HOLMAN. Mr. Chairman, probably never in the history of our Nation has any cause moved forward with such rapid strides as has the movement for the destruction of the liquor traffic within the past decade.

A very few years ago the right to sell liquor to any or all who might want to buy was unquestioned in almost the entire territory of the United States. To-day the traffic is outlawed in nine entire States and in large sections of many other States, until more than two-thirds of our territory and more than half of our population are now under prohibitory law. In half a dozen other States a fight is on to secure State-wide prohibition in this year of our Lord 1914. And a number of other States are planning for the struggle to get rid of the liquor traffic in the not distant future. Within the past few months hundreds of thousands of people have petitioned Congress to pass a resolution looking to national constitutional prohibition of the liquor traffic. And one who gets and reads the Congressional Record from day to day and sees there appeals from thousands of petitioners for national prohibition and those of other thousands who are protesting against it will soon find that this is the liveliest question to-day before the American people.

In a recent magazine, whose policy has been one of opposition to the prohibition propaganda, the writer says: "The antialcohol movement is growing because it is proving its case in the court of popular judgment. It is the result of a sentiment both scientific and democratic."

The liquor traffic is many times more inimical to the happiness and prosperity of our nation now than it was half a century ago. Then it was sold in every dry goods store in all our land along with the sugar and coffee, cloth and thread. But in those days there was no more effort to sell whisky, wine, or beer than there was to sell coffee or calico. Men bought it if they chose or let it alone in the same way. It was no more a factor in the politics of the nation than is coffee or dry goods to-day.

To-day things are changed. The liquor traffic is many times more a menace to the happiness of our people and the welfare of our country than it was 50 years ago. Millions of dollars are invested in the business, and other millions are raised from year to year to exploit the sale, extend their business, and prevent any legislation intended to restrict or regulate the traffic. This money is spent to debauch the Nation into giving permission to carry on their iniquitous business. It is spent unstintedly in efforts to carry elections, so that only men favorable to their business shall be elected to the offices of the Nation and no laws be passed inimical to their interests. When elections are ordered to decide as to whether the liquor traffic shall be licensed or prohibited, they spend many thousands of dollars in bribing the weak, the ignorant, the vicious, to vote against prohibition. They spend other thousands in advertising and promoting their business, and they do everything in their power to prevent the enforcement of the law, that people may be brought to believe that the laws can not be enforced and therefore should be repealed. They maintain a press bureau at a cost of hundreds of thousands of

dollars which supplies plates of ready-to-print matter, filled with false arguments, mendacious statements, and juggled figures, given without a particle of foundation of truth, all calculated to deceive the very elect as to the character and nature of their business and to create sentiment against the passage and execution of prohibitory laws. They maintain at tremendous cost in the hall of every legislative body in the land an expensive lobby to prevent legislation unfavorable to their business. They have put their unholy hands with a deathlike grip on the politics of this Nation, electing or seeking to elect every official to legislative or executive offices, from the President down. And we have come to the pass that this Nation must destroy the liquor traffic or the liquor traffic will destroy this Nation.

The liquor traffic is wrong and should be destroyed. It is not that the appetites of men demand the drink that 100,000 men sink every year into drunkards' graves. Some men drink because their appetites call for it, but thousands of men drink because into every home in the land go their specious advertisements, persuading men and boys and women and children to drink. It is the eternal sleepless activities of men in the liquor business pushing their sales, urging people to buy and drink.

When the fight against the liquor traffic first began and the people recognized the impossibility of getting the traffic prohibited in whole States they sought the lesser good and pleaded for local-option laws, that they might at least drive the traffic from their own communities. But never for one moment have the prohibitionists thought of stopping there. Always before them was the thought that they would secure State prohibition whenever the sentiment permitted, and national prohibition at the first possible moment. At first the liquor men fought local option as viciously as they now fight State or National prohibition. But to-day, except in a very few States, the liquor men are pleading for local option as against State prohibition.

This Nation is not a Nation of isolated States, towns, cities, villages, or communities, but a close relation exists between them all. If those who want local option for States or communities were living in a walled town where no one was concerned but themselves, and no principles of humanity were involved, and where the drink affected no one but themselves, they might talk local option for States or the smaller communities; but these sections of the country are interdependent. If liquor is sold in one place, it will be sent out from these to other places, whether the law forbids it or not, for this traffic has absolutely no respect for law of any kind, and that is why we begged so hard for the passage of the Webb-Kenyon law, and that is why we are pleading for national prohibition. We want to be able to protect our people from the ravages of the liquor traffic.

We have heard of some people who thought it unfair to force prohibition by constitutional amendment on unwilling States. But our forefathers provided for this very thing when they put a clause in their Constitution providing that the policy of our Nation might be changed at any time by the adding of an amendment to our Constitution which, when adopted by three-fourths of our States, would become the law for them all. This cause is constantly gaining ground, as even the liquor men are compelled to reluctantly admit. And by

the time this amendment is ratified by three-fourths of the States there will be left in the remaining States, however liquor ridden they may seem to be, a very large and respectable minority of people, who want the amendment to carry as earnestly as any State ratifying the amendment. It would be putting it into States where a large minority of the very best people want that very thing.

I live in a prohibition State and am closely connected with the temperance people of our State, and almost invariably—I have known no exceptions—the people who are in favor of State prohibition want national prohibition. And there are, besides, thousands of people in every State who have hitherto opposed State prohibition, because, they said, of the impossibility of effectually enforcing it in one section when its sale was permitted in another section, who now stand with us for national prohibition.

We do not believe in a double standard of morals. We believe that what is wrong in one section, or for one person to do, can by no possible juggling of words or morals become right and proper for another section or person or community to do. If it is wrong to sell liquor in Tennessee, it is wrong to sell it in New York.

I come to you representing the organized motherhood of Tennessee, 10,000 of the very best women in our State. Many thousands of other good women are with us in heart; and three times, in three general elections, have the manhood of Tennessee declared their faith in the policy of prohibition; and without exception, so far as I know, every man of them will stand as solidly for national prohibition as they are standing for State prohibition. We know it is wrong to debauch the boys and the girls, the manhood and the womanhood of the Nation. Vice should be prohibited and not licensed, regulated, and, worst of all, protected by law. We want and need the help of the National Government in this. The advancing tide of civilization demands the destruction of the liquor traffic. And so we most humbly petition your honorable body to recommend this resolution favorably. [Applause.]

Mr. DINWIDDIE. Mr. Chairman, I want now to call on Mr. H. H. Spooner, superintendent of the Connecticut Temperance Union.

The CHAIRMAN. We will be glad to hear Mr. Spooner at this time.

#### STATEMENT OF MR. H. H. SPOONER, SUPERINTENDENT OF THE CONNECTICUT TEMPERANCE UNION.

Mr. SPOONER. Mr. Chairman and members of the Committee on the Judiciary, I come from a small State, so far as the area of the State is concerned, and yet we have a million people in that State; and on a clear day, from my own home, I can hear the whistles of the factories in 18 manufacturing towns, as those whistles blow for the operatives in those factories to go to work in the morning; that is, 200,000 people live within hearing distance.

I speak of that because I want to answer specifically, if I can, why Connecticut feels that national prohibition is necessary. I am the chairman of a committee which administers the probation laws of Connecticut. We have 5,000 men and boys and girls on probation all the time. From any one point in Connecticut a man does not have to travel more than 50 miles to get outside the State. Our men can be held by our law, and the money is spent to hold them and to help

them. They have committed crimes, but we are trying not to make them registered criminals in the courts. They are on probation, and yet two-thirds of our population can get liquor within 20 miles outside of the State of Connecticut, and we can not stop that.

I am in our prison work as well, and in that work I have personally met 2,400 men who have come out of prison and who have gone out again to earn their living and who do earn it. We may send them to work, and we have the money at our command from the State to do it; we may send them to work, but we can not put a man where he can not reach liquor from outside of the State, outside of our jurisdiction. We can post him in Connecticut and make it a crime to sell him a drop of liquor, but we can not stop him from going into a saloon in any other State. Fifty miles is only a day's jaunt, out and back.

Senator BORAH. If the Webb law should be fully enforced, would that help you any?

Mr. SPOONER. Not for these things upon which I am touching.

Why do we want something else? Here is the State of New York, here is the State of Massachusetts, and here is the State of Rhode Island on three of the sides of our little State. Long Island Sound on the other side, thank God, is water. [Laughter.]

We have these temptations in all directions in these other cities outside of our State. There is Providence, R. I.; Worcester and Springfield, Mass.; and Albany and New York City, all within easy reach from almost any point in our State.

Senator BORAH. Have you State-wide prohibition?

Mr. SPOONER. No, sir; we have not. We can not get it. I would not to-day feel that it would be wise to try to get it in Connecticut for the simple reason that we can not get support; I mean we can not get big men in Connecticut to stand for the little town prohibition in the manufacturing town, because there are places in every direction where there is plenty of booze, and those men will not stand for that proposition. They will not stand for State-wide prohibition for that reason.

Senator BORAH. Suppose you had national prohibition; do you think it would be enforced?

Mr. SPOONER. I am not ready to insult the United States Government by saying that when three-fourths of the States say that that is the law, it will not be the law and be enforced. [Applause.]

Senator BORAH. It is all right to say that, but you are aware that the drawback to prohibition is the failure to enforce the law.

Mr. SPOONER. What else can you say?

Senator BORAH. The fact of the business is that we have had upon our statute books for the last 14 years a law with reference to trusts that has been violated daily and weekly and monthly and is being violated.

Mr. SPOONER. I am not here to debate that question, but, nevertheless, I believe that in Connecticut—I know that every liquor dealer in Connecticut will take a chance 10 times over in violating the State law where he will take a chance only once in violating the national law. There is not a blind tiger or a dirty, low-down hole in the State of Connecticut that does not get its liquor-tax receipt from the United States Government before it begins business. They will get away from the State time and time again, but the United

States Government, according to my observation, means business in Connecticut.

Senator BORAH. I think you have more trusts in Connecticut, 10 to 1, than we have out in Idaho.

Mr. SPOONER. I am not talking now about the trust question.

Senator BORAH. This is the question: You can not enforce a law unless you have public opinion behind the law.

Now, then, the thing that bothers me in this matter is this—I am just as strong for prohibition as you are—when we remove the responsibility, or take away the responsibility, from the local authorities—and you will take it away when you do this, if you pass the amendments as you have them here now—the people will be practically handicapped and you will not have the power to do what you are asking. It seems to me you have got to change your amendment.

Senator SHEPPARD. We are willing to change that.

Senator BORAH. If these amendments are going to be changed, you might make it effective.

Mr. DINWIDDIE. That very matter was brought out yesterday in the discussion of this question before the House committee, and the proponents of the measure, in consultation with several members of the committee, came to the conclusion that it ought to be changed in order not to deprive the States of any power whatsoever which they possess.

We propose on page 2, line 9, of section 2, after the word "power," that there should be inserted words something like these: "concurrent with the several States, but not contrary thereto."

The CHAIRMAN. I believe that was suggested by Senator Sheppard at the beginning of this hearing.

Mr. DINWIDDIE. We also think there should be an amendment at the conclusion—a proviso—reading something like this: "This amendment shall not prevent any State or Territory from prohibiting any of the acts herein prohibited or permitted."

Senator BORAH. So far as I am concerned, I would like to see it amended so that it would be effective. I did not mean to interrupt you, Mr. Spooner.

Mr. SPOONER. I do not mind the interruptions. I think there should be an amendment in order to make it absolutely clear that we do not want to take away any of the power of the local authorities. I do not want to take away the power from the local man. The big business men of the State of Connecticut, for whom I speak, are making a new problem in the matter of employer's liability. It has been my privilege to meet very often around the table at noon 60 large bunches of business men, manufacturers—we are a manufacturing State. I had been in business myself, and in my capacity as a salesman of goods which came from our State, I knew a great many of those men. The question of employer's liability is getting to be a big question with us, and the business men are studying it. Every big business man with whom I have talked on this subject has said this to me, "We do not care much about our local town no-license proposition. It does not do the job." They have said they do not believe in State-wide prohibition for the reasons I have tried to give, but they have said that they believe if we can give them this big thing, this new proposition, that it is worth while for big business men to help that along; and I am sure I voice the senti-

ment, and it is a growing sentiment, of these men for this new, big, thing. The State of Connecticut is notably a conservative State, and I think I voice the sentiment of the big business men, the employers of 1,000, 2,000, and 3,000 men, when I say that they see in this the only hope of their safety as employers, while under this employer's liability law they must pay half the salary of a man who is injured, no matter whose fault it is, while he is in their employ, whether he is in their shop or outside of their shop, whether doing their work or doing someone else's work, they have to pay half the salary for six years and pay a hundred dollars for the expenses.

I have the statistics of 300 of these cases, and those statistics show that 60 per cent of the accidents in the factories of the State of Connecticut for the past five years have been due to the use of liquor. They say when we get rid of liquor we get rid of half the causes of the accidents, and we want to get rid of it.

As a business man, I believe it will hold every time as good business, and I believe that you as Senators can not afford—I do not mean that personally—but as business men seeking to give this country your very best services, you can not afford to fail to give the people of this country a chance to vote on this proposition. [Applause.]

Mrs. ELLIS. I would like now to present Mrs. F. E. Beauchamp, the president of the Woman's Christian Temperance Union of the State of Kentucky.

The CHAIRMAN. We will be very glad to hear from Mrs. Beauchamp at this time.

**STATEMENT OF MRS. F. E. BEAUCHAMP, PRESIDENT OF THE WOMAN'S CHRISTIAN TEMPERANCE UNION OF KENTUCKY.**

Mrs. BEAUCHAMP. Mr. Chairman, I come to you to-day representing a State whose name is probably more closely associated with the liquor traffic than that of any other State in the Union, and yet a State which has been battling for 44 years to break the shackles of the liquor traffic. We might have had prohibition 44 years ago except for the compromise in favor of local option. I want to say that to-day 90 per cent of the territory of the State of Kentucky is under local prohibition.

We know, from sad experience, that we need a good deal more than we have. Personally, I have taken part in an effort to suppress the illicit sale of alcoholic liquors in this territory. Without a single exception we have found that the men who are violating the law of the State are violating it under the protection, as far as that protection goes, of the United States Government. We found that man after man had no license to sell liquor, but he had the Government tax receipt to sell liquor. We have found that when we have gotten into the local court we went up against the court that was elected by the manipulations of the liquor traffic in many cases. If you will take the protective power of the United States off the retail liquor traffic, if you will stop the manufacture of alcoholic liquors and decline to take \$1.10 a gallon on every gallon of distilled liquor and a tax on every barrel of beer in the States, they will have no trouble in enforcing their prohibition laws.

We have a condition not only in the State of Kentucky, but I have visited a number of other States and I find the same conditions exist there, in which the liquor traffic has lifted its hands against the life of the Government. I would not appeal to you at this time to pass a prohibitory law for the sake of the broken-hearted wives and mothers of this Nation, although I am sure pictures could be set before you that would move you, even with all your self-control, to tears of pity; I would not appeal to you for the sake of the boys who are being wrecked, so far as the boy is concerned; I would not appeal to you for the poor drunkards who stagger along our streets. You might say that was an individual question.

But I do appeal to you as lawmakers to enact a law that will protect the growing citizen from being tempted above that which he is able to stand and forming an appetite which undermines his moral character and unfits him for the citizenship which makes and supports this Government and upon whose integrity the perpetuity of the Government depends.

Already the question of self-government in our cities is a doubtful question. Where the saloon has had full sway the debauched voter, in too many cases, outnumbers the unpurchaseable voter.

The hope of the perpetuity of the American Government is in the clean, rural vote, which, as yet, has not been contaminated by the drink habit.

I stand before you as one whose ancestors fought and bled and died to establish this American Republic. I come to you as the representative of a long line of American patriots. Where this Government has ever been imperiled from any source my ancestors were always ready to give themselves and their all to the perpetuation and the protection of this Government, and I stand here as their representative to say to you that all the perils which have threatened the life of this Republic in all the years of its history do not compare to the peril of debauched citizenship which is the result of the liquor traffic in this Nation.

For the sake of that citizenship I ask you to take the protecting arm of the United States Government away from this business which is wrecking her citizenship and to give the States a chance to deal with this problem; and we can only do it by the United States Government withdrawing from partnership with the liquor traffic, and the most direct way to do that, I believe, and those whom I represent believe, would be for you to favorably report this constitutional amendment forever prohibiting the manufacture, sale, or importation or transportation for sale, of liquor in this country for financial purposes. If you will take the protection of the United States Government off the liquor traffic, you will break the power of the liquor traffic to destroy American manhood and you will break the political power of the liquor traffic in this Nation.

When the Son of Man was on this earth the devil took him up into a high mountain and said, "All these things will I give Thee, if Thou wilt fall down and worship me." It would be a short, direct path to the enthronement of Christ's government on this earth if He had bowed His knee to his satanic majesty, but Jesus Christ knew that for Him to bow would mean that He would be in servitude.

We may read that as a matter of history, but, gentlemen, it is not ancient history; it is history to-day. There are thousands of young

men in this Nation to-day who aspire to political preferment who have that same temptation presented to them. The young men who ought to be at the front in our political life draw back, and say they will not enter because they will not go through with the things that are necessary to be done in order to win.

I do not agree with them, of course. I admire young men, like Richmond Pearson Hobson and others of his class, who dare to stand for the truth in spite of the combined power of the liquor traffic. The great majority of the young men to-day have not that moral stamina. The great majority of young men think they can make a quick success; that they can travel the road to short, quick success. They have told me over and over again that if they stood for prohibition there was no chance to win, but if they would stand for moral reforms generally they might get into power; but not one single instance do I know of in which they have helped us after getting into power.

I stand here in behalf of the young manhood of this Nation. I appeal to you on their behalf to take the power away from the liquor traffic, to take from it the protection of the United States Government. [Applause.]

MR. DINWIDDIE. Mr. Chairman, I am now going to introduce Rev. R. L. Davis, superintendent of the North Carolina Antisaloon League.

THE CHAIRMAN. We will be glad to hear Mr. Davis at this time.

#### STATEMENT OF REV. R. L. DAVIS, SUPERINTENDENT OF THE ANTISALOON LEAGUE OF NORTH CAROLINA.

MR. DAVIS. Mr. Chairman, Senator Borah asked a question a while ago as to whether this was the most effective way to bring about this reform. In answer to that, at least in part, I feel as if the experience of the State of North Carolina will, in some respects, help us to answer that question.

Since we have enjoyed State-wide prohibition for five years we have been enforcing it. I want to say that under the laws of North Carolina the officers of the State are more vigilant in enforcing the prohibition laws than are the officers of the Federal Government. I want to say further that the liquor traffic in our State has reached the point where they violate very largely, almost entirely, the Federal laws that are laid down for their regulation. We do not have men who sell liquor in North Carolina (in a large degree) carrying a revenue license, for they know when they get that license we have them spotted, and we would keep them spotted. Now, is State-wide prohibition adequate to meet the situation? It is very helpful. It does a great deal for us. None of us would think about going backward, but State-wide prohibition is inadequate for this reason: In our State they disregard the penal code. As we understand it, the Federal Government requires all liquor shipments by liquor dealers outside the State, who ship into other States, to properly place on the outside of the package the contents of it—the kind of stuff which is in there, the quantity, etc. Now, we have found in North Carolina that sometimes packages come in there labeled sugar which really contain liquor, and sometimes they come in there labeled ginger ale and they are really beer, and sometimes they have some notice or card



on the outside of the package indicating that it was shipped by some grocer from some one of the States above us, and we find, when these packages are seized and looked into instead of the contents being any of these things which I have mentioned, that the packages contains nothing but liquor shipped in violation of our laws.

I want to give you a specific case. Into the city of Raleigh not long ago—about two weeks ago—came five cargoes of stuff which had on the outside a tag indicating that it was shipped to S. J. & John N. Smith from a ginger ale shipping house, at Portsmouth, Va. It looked suspicious, and we seized it. When we looked into it we found on top of every barrel two dozen bottles of what looked like ginger ale. Underneath that was 10 dozen bottles of beer put up by a Baltimore brewing concern. We took the contents of those bottles and had them analyzed by a chemist, and that analysis showed a percentage of 4.42 up to 4.467 of alcohol. In other words, straight beer, about four and one-half per cent alcohol. When the other bottle was examined, no ginger ale was found in it at all, but one-fifteenth of one per cent alcohol, and the remark of our State chemist was that this was also in violation of our pure food laws as well as the prohibition law.

We are enforcing our laws down there. We have another strong law on the way, and we have a State fight on to pass a law next January which will prohibit the delivery of liquor in North Carolina for beverage purposes.

I have here a copy of the resolution passed by a district conference in North Carolina, the Raleigh District Conference, in which they unanimously favor the antidelivery law proposed by the Anti-saloon League, to prohibit the delivery of liquor in our State for beverage purposes, and asking in the resolution that the next general assembly pass the law. Three-fourths of the churches in the State have stood for this, and my prediction now is that the North Carolina General Assembly will pass that law. But that will not give all the relief we seek and ought to have. Why?

In addition to having a situation there in which there is a violation of the laws you have made there, they are doing other things. There are three men, one of whom is named Jones and another of whom is named Matthews and a third whose name is Clark, and each one of these men—we have two of them under indictment, and we expect to convict them—these men have automobiles and these automobiles go in the afternoon up into Dr. Cannon's State. They will have to go a little farther pretty soon. They go in the afternoon up into that State and they buy their stuff and bring it down into the city of Raleigh. They bring it in there at 2 or 3 o'clock in the night, and the automobiles are used to haul the stuff in. That is one of the difficulties they have.

We do not want the National Government to enforce our laws. I have preached it to our people that it was an acknowledgment of weakness on our part to ask the Federal Government, which believed in a license system and which practiced a license system, to come and help a State which believed in a prohibition law to execute that law. We do not want that. We take our sheriffs and our other State officers and we go down after these men. But we have our limitations, and those limitations are true for two reasons; one is

that the liquor traffic is an anarchist and the other is that the liquor business is in no sense local in our country to-day. When you come to consider it in a State containing 40,000 to 50,000 square miles, it is not a local question.

It is a traveling nuisance, as Dr. Cannon remarked to the House committee yesterday, and so it reaches from Baltimore to North Carolina, and that is the reason we must have the strong arm of the Federal Government to travel over our States. Our people are saying when we get national legislation we will have the matter fixed so that we can handle it.

Mrs. ELLIS. Mr. Chairman, I would like at this time to present Mrs. Mary R. Haslup, of Baltimore, Md., the president of the Woman's Christian Temperance Union of the State of Maryland.

The CHAIRMAN. We will be glad to hear from Mrs. Haslup.

**STATEMENT OF MRS. MARY R. HASLUP, PRESIDENT OF THE WOMAN'S CHRISTIAN TEMPERANCE UNION OF MARYLAND.**

Mrs. HASLUP. Mr. Chairman, I am sorry that North Carolina got its beer from Baltimore, because I represent the State of Maryland.

I represent 4,000 women who are regular members of the Woman's Christian Temperance Union of Maryland, and a large number of men and women sympathizers and supporters of our work, and they have shown their faith in the principles of the prohibition of the liquor traffic by their self-sacrificing work and the faith they have exercised for the last 40 years.

We have in our State 10 counties which are entirely dry. We have large sections of other countries of the remaining 13 counties in the State where we have prohibition. I can take you to places where the law is enforced. I can tell you of the very beneficial results of the enforcement of that law and of the wonderful things its enforcement has done for those sections of the State. I could tell you of the very greatly improved conditions of the people, white and colored, under those laws, and where they have been enforced as it is possible to enforce them the result has been very beneficial.

We have learned in our work through these years that the larger the area the better the possibility of enforcement. So to-day we are beginning a campaign, not only the Woman's Christian Temperance Union, but the temperance organizations and all the Christian people of the State, as you will be told later, a campaign for State-wide prohibition. We believe in that, and along with that we are showing our faith in this larger measure by working for it. We have the indorsement of many of our best people for this national amendment. We shall continue to work for it, and I am here to-day representing the men and women of Maryland to say that we ask you to give our people a chance to express themselves on this great question which is of such vital interest to the home and the Nation and the cause of righteousness. [Applause.]

Mr. DINWIDDIE. Mr. Chairman and members of the committee, I want to introduce Mr. Wayne B. Wheeler, who is the national counsel of the Antisaloon League and the State superintendent and attorney of the Ohio Antisaloon League.

The CHAIRMAN. We will be glad to hear from Mr. Wheeler.

**STATEMENT OF WAYNE B. WHEELER, ESQ., NATIONAL COUNSEL  
FOR THE ANTISALOON LEAGUE AND STATE SUPERINTENDENT  
OF THE ANTISALOON LEAGUE OF OHIO.**

Mr. WHEELER. Mr. Chairman and gentlemen of the committee, we base our claim for the passage of this resolution on two fundamental principles. First, that the people have an inherent right to better their conditions; and in any community or government as soon as the constituted majorities under the law want that done they should have that right granted to them. Second, that the traffic which we are opposing and which this resolution attempts to give the people an opportunity to prohibit has no inherent right to exist at all, because it is a source of crime and misery to society.

These principles are embodied in the Constitution of our country and in the construction of the law as given by our courts.

Our United States Constitution and our State constitutions, I think all of them, provide that one of the main purposes of government is to promote the general welfare. That is an elastic term, one by which has been made possible much of the progress toward the development of better conditions in the States and in the Nation.

The courts have had to construe what that meant; and one of the most interesting chapters of the progress of any great reform is to go back to the first constructions of the courts on laws which relate to a given subject, and as public sentiment grows, to see those conditions change and acknowledge that the people have that inherent right.

They have come to this, to state it briefly, that one of the best ways to promote the general welfare is to protect the public health and public morals. That is the ruling of the supreme court of every State in the Union and of the United States Supreme Court.

Then we pass to the next proposition, How are you going to do that? And as laws are passed against different kinds of evils they would have to face the question, Is that an evil which does contravene public health and public morals?

We came to the liquor traffic and the issue was joined squarely at that point; and none other than men of the ability of Daniel Webster and Joseph Choate presented arguments to the court which were as good as any which could be presented on their side of the question, and the courts then and there laid down this principle, that the liquor traffic was so bad, that it produced so much of evil in the community, that it did not have any inherent right to exist at all.

Senator BORAH. What decisions do you refer to?

Mr. WHEELER. I will read the decision or a part of the decision in the case of *Crowley v. Christensen*, in 137 U. S., 86. This was a later decision of the same principle. The other to which I referred is the license case in the fifth Howard. The decision, a part of which I will now cite to the committee, is in 137 U. S., at page 91, and the court, among other things, said:

By the general concurrence of opinion of every civilized and Christian community there are few sources of crime and misery to society equal to the dramshop, where intoxicating liquors in small quantities, to be drunk at the time, are sold indiscriminately to all parties applying. The statistics of every State show a greater amount of crime and misery attributable to the use of ardent spirits obtained at these retail liquor saloons than to any other source.

\* \* \* There is no inherent right in a citizen to thus sell intoxicating liquors by retail; it is not a privilege of a citizen of the State or of a citizen of the United States.

That is the law of the land on this question, namely, that the liquor traffic is so bad that it is precluded from having any inherent right to exist at all, that the Constitution guarantees to the people the right to promote the general welfare.

And now we come to the question, How are we going to do it? We naturally went back to the States because the States had, without anything written into their constitutions under the police power, the authority to eliminate the liquor traffic entirely, or to place any burden upon it short of the annihilation of the traffic.

Then we went to the legislature and said they ought to bring this change about, that the liquor traffic has no inherent right to exist, and we want an opportunity to get rid of it.

In many of our States we asked for local option laws to get rid of the traffic in the local communities, and then the outside traffic would try to break down the law; and then we would enlarge the community from the town to the city, up to the county. The outside interests would try to break down the law wherever they could, and were successful in a great many instances.

Then we went to the State, to eliminate it there, and then around on the boundaries of the State, outside of the State; and they would do everything in their power to break down the law, and then they would go around and boast about the failure of prohibition, on the ground that the law was not enforced.

When we face that kind of an enemy, an enemy that is unwilling to concede to our citizenship any right to have that traffic restricted or prohibited, where they can prevent it, or to have the law enforced after it is placed on the statute books, there is only one logical conclusion for a patriotic citizen to reach, and that is that that kind of traffic must be eliminated entirely from the entire country in which we live. That is the logic of the situation, and our enemy has forced that upon us by its own actions.

The law, as ex-Senator Carmack said—and he spoke words of truth when he said the liquor traffic would rather die than obey the law; and if that is true, there is but one thing for the American people to do, and that is to eliminate the liquor traffic.

That principle to which I referred applies to nations as much as to the State, and, fortunately, the Supreme Court settled that proposition on the principle involved in this case, a very recent decision in the case of *Hoke v. United States*, reported in 227 U. S., at page 308.

In the syllabus of that case the court said:

Congress may adopt not only the necessary, but the convenient, means necessary to exercise its power over a subject completely within its power, and such means may have the quality of police regulation.

In its opinion the court said, at pages 320 and 322:

Congress is given power "to regulate commerce with foreign nations and among the several States." The power is direct; there is no word of limitation in it, and its broad and universal scope has been so often declared as to make repetition unnecessary. And, besides, it has had so much illustration by cases that it would seem as if there could be no instance of its exercise that does not find an admitted example in some one of them. Experience, however, is the other way, and in almost every instance of the exercise of the power

differences are asserted from previous exercise of it and made a ground of attack. The present case is an example. \* \* \*

Our dual form of government has its perplexities, State and Nation having different spheres of jurisdiction, as we have said, but it must be kept in mind that we are one people; and the powers reserved to the States and those conferred on the Nation are adapted to be exercised, whether independently or concurrently, to promote the general welfare, material and moral. This is the effect of the decisions, and surely if the facility of interstate transportation can be taken away from the demoralization of lotteries, the debasement of obscene literature, the contagion of diseased cattle or persons, the impurity of food and drugs, the like facility can be taken away from the systematic enticement to and the enslavement in prostitution and debauchery of women, and, more insistently, of girls.

Chief Justice Taney, in the case in Fifth Howard (U. S.), at page 577, puts the proposition thus:

And if any State deems the retail and internal traffic in ardent spirits injurious to its citizens, and calculated to produce idleness, vice, or debauchery, I see nothing in the Constitution of the United States to prevent it from regulating and restraining the traffic, or from prohibiting it altogether, if it thinks proper.

The quotation I read from the case, reported in Two hundred and twenty-seventh United States, is the last utterance of the Supreme Court on this proposition, and there is no doubt but what a matter which deals with public morals is one which relates to the whole people of this country.

I think that the people of this country, as has been said, are now up to the point where they realize it. When we find 30,000,000 people, as they have in this Nation in the last 20 years, voting out the liquor traffic, it is considerable evidence that the citizenship of our Nation are realizing the importance of the question.

Two-thirds of the saloons of the United States are now quarantined within the boundaries of 10 States. There are more saloons in the city of Chicago at this moment than in all the territory south of the Mason and Dixon line; more saloons in the city of New York than in all the 36 States combined which would be necessary in an amendment for national prohibition.

If we allow the liquor traffic to localize its strongholds until they will not allow officers to be elected who will enforce the law, then we are allowing an enemy in this Nation to be localized and have its headquarters somewhere within the borders of our country when the courts of last resort say that it is so bad it had not a right to exist anywhere.

In other words, we harbor an enemy of the Government within our borders. That is bad policy, and we ought not to allow it. We have come to the point where the public sentiment of our Nation will not allow it very much longer; and all we are asking this committee to do is to recommend this resolution, which will give the people their inherent right to better their conditions in this country when the highest legally constituted majority under our form of Government ask that to be done.

You are in the same position in which the men out in the State legislatures were when we asked them to pass the law which gave us an opportunity to vote the saloon out of the several subdivisions of the States. Men who were on the side of the "wets" voted for those laws.

I think a man who is not afraid of the people settling these questions ought to be willing to allow the people to vote for this resolution.

tion, and to trust in the intelligence of this great Nation to vote right on this question and to elect legislators in the States who will pass on this question. At least the institution which, as our court says, is a source of crime and misery, the cause of more crime than all other sources combined—that sort of an institution ought not to have such protection from Congress as would preclude the people from having the chance to eliminate it and better this condition whenever they want an opportunity to do that. [Applause.]

Mrs. ELLIS. Mr. Chairman, I now desire to present to the committee Mrs. Howard M. Hoge, president of the Woman's Christian Temperance Union of Virginia, and assistant recording secretary of the National Woman's Christian Temperance Union.

The CHAIRMAN. We will be glad to hear Mrs. Hoge at this time.

**STATEMENT OF MRS HOWARD M. HOGE, PRESIDENT OF THE WOMAN'S CHRISTIAN TEMPERANCE UNION OF VIRGINIA, AND ASSISTANT RECORDING SECRETARY OF THE NATIONAL WOMAN'S CHRISTIAN TEMPERANCE UNION.**

Mrs. HOGE. Mr. Chairman, we are here to-day to try to bring before you reasons why the people want this legislation.

Senator Borah asks whether it would be wise, and, of course, as has been said, it might not be enforced in some instances, but we believe it would serve the purpose, because we have great confidence in the United States Government. I am sure we all think great things can be accomplished.

We do know that because of the protection of this Government the liquor traffic has the position that it ought not to have. It has practically a respectable position, because it is now a protected business as much as any other business in the United States. That is what we want to get rid of.

Everybody in this age pretends to believe in temperance. You will scarcely find anyone who does not claim to believe in temperance. Many persons seem to think that that means simply moderation, but we know it means moderation in the use of things that are right and total abstinence in the use of things that are wrong. We have observed the effects of the so-called moderate use, which we all decry. So we want to do away with it.

Of course, we are not dealing with or attacking the personal element this morning. Our bill does not touch that, because we as an organization are doing effectual work trying to make people realize that it is wrong to drink.

The only way we can get rid of that habit is to get rid of the traffic itself. So we believe that as a National Government we ought to have this resolution adopted by Congress, so that the people may say what they want.

The suggestion was made a while ago that a law without public sentiment back of it would not be effectively enforced. It seems to me there is no danger of getting this law without public sentiment behind it, because it can not become law until 36 States of the Union have indorsed it; and 36 States of the Union are not going to indorse it until the public sentiment in those States is sufficiently strong to make the legislatures of those States indorse it. The time has come, in my opinion, when we might begin to see whether the States will indorse it.

The people want it in very many sections of the country, and all classes of people.

Yesterday, before the Judiciary Committee of the House of Representatives, I had a number of letters, not a very large number, but letters from different sections of our own State, from representatives of different business interests, simply to show that people of all kinds and classes want this resolution to be adopted, so that the people of the country may have an opportunity to say whether or not they want it as a part of our National Constitution. We had letters from insurance companies and railway people, from grocers and hardware men, and men representing almost every branch of mercantile business. I also had a petition signed by about 2,000 members of the Christian Endeavor societies in the State of Virginia, expressing a desire for the adoption of this resolution by the Senate and House of Representatives.

Through the headquarters of the National Woman's Christian Temperance Union there have been a great many resolutions received indorsing this amendment for nation-wide prohibition; those blank resolutions were sent out, and they have been signed and returned to our organization, and through our organization over 3,000,000 signatures have come to Congress on these petitions since the opening of the present session.

Of course, that is not a majority of our people, but it shows conclusively, it seems to me, that there must be a great deal of sentiment in favor of this proposition when there are so many people willing to give the proposition their indorsement.

Of course, a great many other indorsements have been given to the resolution which have not passed directly through the hands of the Woman's Christian Temperance Union.

We think this resolution is the proper thing to be passed, to give the people a chance to vote on it and say whether or not they want this amendment, and that it will better the conditions of the people if this amendment is made a part of the Constitution; and we request that you will favorably report this measure so that the people will have an opportunity to rid this country of that which has produced so much crime and misery. [Applause.]

Mr. DINWIDDIE. Mr. Chairman, I would like now to present Mr. William H. Anderson, chairman of the legislative committee of the Methodist Episcopal Church, superintendent of the Antisaloon League of the State of New York.

The CHAIRMAN. We will be glad to hear Mr. Anderson now.

**STATEMENT OF MR. WILLIAM H. ANDERSON, CHAIRMAN OF THE LEGISLATIVE COMMITTEE OF THE METHODIST EPISCOPAL CHURCH, AND SUPERINTENDENT OF THE ANTISALOON LEAGUE OF THE STATE OF NEW YORK.**

Mr. ANDERSON. Mr. Chairman, I have here a telegram from the Troy, N. Y., Conference of the Methodist Episcopal Church, representing 50,000 members, which reads as follows:

WILLIAM H. ANDERSON,

*State Superintendent Antisaloon League of New York,  
4406 Maine Avenue, West Forest Park, Baltimore, Md.*

The Troy Conference of the Methodist Episcopal Church, in session here, representing over 50,000 communicants, Bishop Frederick D. Leete presiding, by

resolution unanimously urge our Congressmen and Senators O'Gorman and Root to do everything possible to further the passage of the resolution to submit the question of national prohibition to the several States for ratification, and especially urge our Senators to use their good offices in reporting the resolution from the committee to the Senate floor. It was further moved that you be authorized and empowered to speak and act on our behalf before the committee of House and Senate.

EDWIN GENGE, *Secretary*.

There has also been handed me a resolution adopted by the board of managers of the National Temperance Society and Publication House, which has its headquarters in New York. This resolution was adopted yesterday, as I understand it, and it reads:

Having since its foundation, 49 years ago, always stood for the prohibition of the manufacture and sale of alcoholic beverages by the State and Nation as the only proper attitude of the Government concerning this dangerous business, being logical, efficient, and effective, the National Temperance Society and Publication House, through its board of managers this day in regular quarterly session, hereby reaffirms its principles and sends this respectful petition to the Judiciary Committee of the Senate of the United States and to the Senate as a body now in session.

We petition your honorable body to carefully consider the physical, economic, moral, and humane advantages involved in the nation-wide prohibition of the manufacture and sale of alcoholic beverages, and that you approve and adopt Senate joint resolution No. 88, proposing an amendment to the Constitution of the United States if ratified by the several States as provided in the statutes.

In behalf of the National Temperance Society and Publication House.

D. STUART DODGE, *President*.

J. W. CUMMINGS, *Recording Secretary*.

Those are samples of some resolutions passed, which could be multiplied almost indefinitely. The great New York Methodist Conference at its session has adopted similar resolutions. There is no trouble about showing the desire on the part of the people of New York—that is, the good people of New York—for this sort of legislation. We need this sort of thing in New York.

New York has many national problems. It is the national commercial capital. We have special problems there, growing out of the immigration from all parts of the world, and we need just such legislation there; and the rest of the country needs it as protection from New York, because if the most of the rest of the country gets rid of its saloons, New York, as the national capital of the liquor interests, would become a menace to the peace and good order of the rest of the country in exactly the same way that the city of Baltimore, for instance, in that way is a menace to the Southern States, because of the liquor shipped down there. They have been driven out of the Southern States and have taken refuge in Baltimore. So it is a national problem as it refers to New York, working both ways.

Answering the question of Senator Borah as to whether it is the effective way, we do not know; but we believe that the people at least want a chance to try and see if it is the effective way of getting at it. We are not asking the Congress of the United States to protect the people of the States. We are asking the Congress of the United States to enable the people of the States to protect themselves. We are not asking Congress to force prohibition on the States, but the failure of the Congress to act forces liquor on the States.

Senator BORAH. This would force prohibition on the States; if it did not do that it would not be of any value.



Mr. ANDERSON. It forces on the States only indirectly, and it refers it back to the States. We are simply asking Congress at this time to let the States take care of it for themselves. But the failure of Congress to take this initial step does force liquor on the States. In other words, they have no chance to get at it at all if Congress does not pass a resolution of this kind. The important thing is that the passage of this sort of an amendment and its ultimate ratification will break the system. It will change the status of the liquor traffic, aid it will enable us to get at it on a different basis. It is not the fellow who wants to drink liquor whom we want to get at; we want to get at the traffic itself.

Senator BORAH. Do you think the State of New York would ratify this amendment?

Mr. ANDERSON. No. Sir; I do not think so at this time. I think it is not impossible; but the rest of the country would not wait that long for it.

Senator BORAH. I think that is practically answering no.

Mr. ANDERSON. I would like also, Mr. Chairman, put into the record a letter, which I put into the record in the hearing before the House committee on yesterday, indicating the nature of the traffic with which we are dealing.

This letter says:

KENTUCKY DISTILLERS' DISTRIBUTING Co.,  
Kansas City, Mo., December 3, 1913.

KEELEY INSTITUTE,  
Dwight, Ill.

The Keeley Institute is an institution for reclaiming drunkards. Senator BORAH. What is that which you are reading?

Mr. ANDERSON. A letter to the Keeley Institute. It says:

KEELEY INSTITUTE,  
Dwight, Ill.

GENTLEMEN: Our customers are your prospective patients—

This letter is signed by the president of the Kentucky Distillers' Distributing Co.

Senator BORAH. If he was not an idiot he would be a criminal.

Mr. ANDERSON. We agree with you on that.

The letter says—

KEELEY INSTITUTE,  
Dwight, Ill.

GENTLEMEN: Our customers are your prospective patients.

We can put you on your desk a mailing list of over 50,000 individual consumers of liquor. The list is the result of thousands of dollars of advertising.

Each individual on the list is a regular user of liquor.

The list of names is new, live, and active. We know because we have circularized it regularly. We will furnish this list in quantities at the prices listed below. Remittance to accompany each order.

40,000 to 50,000-----	\$400
20,000-----	300
10,000-----	200

We will not furnish this list in lots of less than 10,000. Discontinuance of business January 1 is the occasion of our selling our mailing list.

Yours, truly,

KENTUCKY DISTILLERS' Co.,  
W. FRANKLIN, President.

I would simply like to say that for outright, downright, diabolical, cold-blooded mendacity, that has anything I ever heard of backed

off the boards both ways. That is the attitude of the liquor traffic on this question. We got that letter from the Illinois Antisaloon League, to which the Keeley Institute turned it over. I understand that Mr. Dinwiddie has a photographic copy of the original letter. There is no question as to the authenticity of that letter.

That will indicate one reason why we want this resolution passed. We want a chance to get at this organized, systematized, legalized exploitation of the people for gain. [Applause.]

Mrs. ELLIS. Mr. Chairman, I now desire to present Mrs. Ella A. Boole, president of the Woman's Christian Temperance Union of New York State.

The CHAIRMAN. We will be glad to hear Mrs. Boole.

**STATEMENT OF MRS. ELLA A. BOOLE, PRESIDENT OF THE  
WOMAN'S CHRISTIAN TEMPERANCE UNION OF THE STATE  
OF NEW YORK.**

Mrs. BOOLE. Mr. Chairman, and members of the committee: I represent the Woman's Christian Temperance Union of New York State; we have a membership of 35,000 women in the State. We are organized all over the State. Since the first of January we have been circulating in our public meetings a resolution in order to get the temper of the people toward the national constitutional prohibition. Of course, we recognize, as has been stated here already, that New York is a pretty bitter field in which to do temperance work. There is a great deal of money in the business in that State. We have more saloons than a good many States put together and the interests are very strong there, but we have been surprised at the interest manifested in national constitutional prohibition; and in more than 400 public meetings a resolution has been passed almost unanimously asking Congress to submit this resolution to the legislatures of the various States.

We could present a great many arguments in favor of national constitutional prohibition. Many of them have already been covered. I want to present an argument on the ground of public morals. I understand that public morals are a matter of public concern. I wonder if we do appreciate the fact that different ways of dealing with the liquor traffic in different States have an effect upon public morals?

The law is different. What is legally wrong in Maine is legally right in New York. What is legally wrong when a town is dry is legally right when a town is wet.

We believe that by the submission of this question it will be in the nature of a schoolmaster and will establish a single public standard on the question of the liquor traffic throughout the whole Nation.

Something has been said here to-day about the fact of the effectiveness of this method, and it has been said that we do not know whether it would be a success or not.

We have tried a good many things in the temperance reform. I remember when we tried to solve the problem, when we thought we could solve the problem, by getting men to sign the pledge. Then we tried to get it by taking action in the local communities. We tried it in the cities and again we have tried State-wide prohibition,

and now we have honestly come to the conclusion that the larger the unit through which we deal with the problem the better success there is in dealing with it. If all the States in the Union had State-wide prohibition and New York State were left alone with the liquor traffic, New York State would be a menace to the rest of the country.

So I come, Mr. Chairman, representing the womanhood of the State of New York, as organized in the Woman's Christian Temperance Union, and representing the allied forces that speak in favor of this resolution of more than a dozen organizations in the State, asking that you give to the Senate of the United States and through the Senate of the United States to the people in the States, the right to pass judgment upon the settling of this problem of the liquor traffic through an amendment to the national Constitution.

Another reason why we desire to have this resolution passed is that prohibition is in line with the modern methods of dealing with all kinds of reform, and that is removing the preventable cause.

I live in the city of Brooklyn. I have transfers on the street railways there. As I come in from my home and get on the river side and get a transfer, I see an advertisement of a brewery on that transfer, but that has not been there recently because it has been replaced by the advertisement of the New York Tuberculosis Society; and there are four causes of tuberculosis—damp, dark, debt, and drink. The things which prevent tuberculosis are fresh air, sunshine, and temperance, and with our temperance people that means total abstinence.

I have been reading recently about how they deal with plague in the South and how they have been getting rid of the bubonic plague, yellow fever, and other diseases; and only a day or two ago I read how a certain section of Habana was to be set off in which they were going to get rid of the fleas and the rats and get rid of disease. In the article in the National Geographic Magazine about that matter, they said that when the matter of dealing with those problems was left to the individual it was a failure, but when the hand of the Government was raised to fight those things they were able to get rid of them.

And so in asking you to submit this resolution to the people of the States in order that they may pass upon it, we believe it is in line with the removal of the preventable causes of disease and bad morals. [Applause.]

The CHAIRMAN. We will now hear from Senator Works, of California, the author of Senate joint resolution No. 50, one of the resolutions under consideration.

**STATEMENT OF HON. JOHN D. WORKS, A UNITED STATES SENATOR FROM THE STATE OF CALIFORNIA.**

Senator WORKS. Mr. Chairman, I have long been convinced that the only way to deal effectually with the liquor traffic is to prohibit the manufacture or importation of intoxicating liquors. But I have realized that such an extreme measure of reform could not be accomplished at one stroke. It would confiscate or destroy the value of too much property and throw too many men out of employment.

The joint resolution I have offered affects only the manufacture, sale, and importation of distilled liquors, the most dangerous and life-destroying of their kind. This method of reaching this great evil was not devised or first thought of by me. It is the conception of Mr. S. Benson, now a resident of my State, but formerly of Oregon: He has been a large employer of men, and has witnessed the devastating effect of alcoholic liquor on laboring men, especially of the lower grades, destroying their efficiency and often their lives. He is a man of large means, and is devoting a liberal portion of it to the effort to remedy the evil. Objection may be made that this proposed amendment, if adopted, will deprive men of their property and their employment and the Government of part of its revenue. This is to weigh money and property against health, happiness, and life. But considering it from this material point of view its effects will not be nearly so serious as most people would suppose.

Mr. Benson has, at his own expense, employed Mr. E. E. Coovert, an able and competent lawyer, to gather data relating to the manufacture and sale of liquors, capital invested, number of men employed therein, and other information bearing on this important question. Mr. Coovert has performed this service. I have his statement of the facts and figures on the subject. It shows, to begin with, that for the year ending June 30, 1912, 178,249,985 taxable gallons of distilled spirits were produced in the United States, not counting brandy and other liquors produced from fruit, the largest in the history of the country. This, in view of all the efforts made to suppress and curtail the traffic, is a startling, an appalling fact. Out of this the Government has realized the handsome sum of \$146,715,203 on whisky and alcohol and \$2,694,264 on brandy, or a total of \$149,409,467. The showing for the first 10 months of the fiscal year of 1913 is still worse. The increase for that time over 1912 is 6,552,848 gallons, thus increasing the revenue of the Government by \$7,208,133.59 over last year. I know it seems hard to give up this large revenue. But after all it is no better than blood money. The wrecked lives of the victims of strong drink, the widows and orphans it has made, and the crowded prisons and asylums should cry out against this attempt for hire to legalize a business so terrible in its consequences. Besides, if the cost to the Government and the States in prosecuting and caring for criminals, made so by alcoholism, and the paupers and insane that must be cared for as a result of the use of alcoholic drinks were deducted, probably there would be no gain, but a positive loss to the public. Let this be as it may, whatever loss shall accrue to the Government from the taking away of the tax on distilled liquors should be made up by an increased tax on fermented liquors by which it could easily be borne, and I believe would be willingly.

The statement of facts to which I have referred shows a surprisingly small amount of capital invested and number of men employed in the manufacture of distilled liquors. The amount invested in distilleries is only \$72,450,000, while in breweries there is invested in the manufacture of malt liquors \$671,158,000, and in wineries \$27,908,000, making a total investment not affected by this proposed amendment of \$699,066,000. The number of men employed in breweries and the wine industry in 1911 was 54,579, while in distilleries it was only

6,437. There is other interesting data in this statement of Mr. Coovert that I will submit to the committee in a moment.

It appears that the sacrifice of property and deprivation of employment will be comparatively small if this amendment is adopted.

Mr. Chairman, this proposed amendment is not just as I would have submitted it if I had drawn it on my own account. It excepts from its effects liquors used for mechanical, scientific, and medicinal purposes. I do not believe that alcohol or distilled liquors are necessary for any of those purposes. I would make no such exceptions. I would make the prohibition absolute. But others will not agree with me, and I have, for the present, deferred to the views of others who are earnestly seeking this legislation. I hope it may receive the early consideration and conscientious attention of Congress.

I ask to make the statement of Mr. Coovert a part of my remarks, without reading.

The CHAIRMAN. Permission to do so is granted.

(The statement referred to is as follows:)

DATA IN SUPPORT OF PROPOSED AMENDMENT TO CONSTITUTION PROHIBITING  
MANUFACTURE, SALE, OR IMPORTATION OF DISTILLED LIQUORS.

(By E. E. Coovert.)

WASHINGTON, D. C., June 20, 1913.

Proposed constitutional amendment prohibiting the sale, manufacture, and importation of distilled liquor containing alcohol after a limited period, say, of three years, after the ratification by the States, excepting for mechanical, scientific, and medicinal purposes under proper regulation of Congress, and giving Congress the power to enforce the same by proper legislation, the idea being not to interfere with the manufacture of fermented liquors, but placing upon such liquors the burden of supplying the revenue lost to the Government by reason of the suppression of the distilleries.

The following data will show this plan to be feasible, and from an economic standpoint highly desirable, eliminating entirely the moral equation.

CONSUMPTION OF WHISKY INCREASING.

On page 10 of the Report of Commissioner of Internal Revenue for the fiscal year ending June 30, 1912, we find that 178,249,985 taxable gallons of distilled spirits were produced in the United States, not counting brandy and other liquors produced from fruit. This is the largest in the history of the country, and exceeds all previous productions by 2,847,590 gallons.

The amount withdrawn from the bonded warehouses, which measures the amount consumed of such distilled spirits, not counting fruit brandy, was 133,259,147 gallons. This exceeded the withdrawals of the year previous by 1,200,511 gallons.

The amount of revenue paid to the Government for the year 1912 for whisky and alcohol was \$146,715,203, and for brandy \$2,694,264. A comparison of these two figures will show the relative proportion of each manufactured and consumed.

The increase of revenue from whisky and alcohol over the previous year is \$1,332,440. (See p. 30, Report of Commissioner of Internal Revenue.)

The figures for the fiscal year ending July 1, 1913, are still more startling.

The internal revenue office shows that the receipts for distilled liquor for the first 10 months of the fiscal year ending May 1, 1913, were \$135,167,534.86, while for the corresponding period last year same were \$127,959,401.27, an increase of \$7,208,133.59, which, at \$1.10 per gallon, equals 6,552,848 gallons.

The amount of whisky produced for the year 1898 was only about 80,000,000 gallons.

Thus it will be seen that the production and consumption of spirituous liquors is increasing at a tremendous ratio.

## DRY TERRITORY INCREASING.

The following table shows the large increase of prohibition States and dry territory under local option. This was obtained from the secretary of the National Brewery Association, New York City. I have checked this report, so far as I am able, and find it fairly accurate, although, of course, changes are constantly being made from dry territory to wet and vice versa :

Local option States.	Dry towns and counties.	Wet towns and counties.	Population under dry territory.
California.....	647 towns.....		600,000
Delaware.....	2 counties.....	1 county.....	80,000
Florida.....	37 counties.....	8 counties.....	658,271
Michigan.....	35 counties.....	48 counties.....	750,000
Missouri.....	66 counties.....	49 counties.....	1,210,880
Montana.....		All counties.....	
Ohio.....	45 counties.....	43 counties.....	2,300,000
Arkansas.....	63 counties.....	12 counties.....	1,435,000
Arizona.....		All counties.....	
Colorado.....	10 counties; 7 cities.....	48 counties.....	435,602
Connecticut.....	87 towns.....	81 towns.....	200,000
Kentucky.....	97 counties; 3 cities.....	22 counties.....	1,721,000
Illinois.....	30 counties; 8 cities.....	72 counties.....	704,809
Louisiana.....	30 parishes.....	29 parishes.....	850,000
Massachusetts.....	49 towns; 15 cities.....		1,061,589
Minnesota.....	Half villages are dry.....		1,060,000
New Hampshire.....	2 counties.....	8 counties.....	238,536
New York.....	412 no-license towns; 155 partial-license towns.....	366 full-license towns.....	646,710
Maryland.....			450,000
Idaho.....	17 counties; 3 cities.....	10 counties.....	217,159
Oregon.....	4 counties; 4 no-license cities.....	29 counties.....	230,000
Rhode Island.....	7 towns.....		16,850
South Dakota.....	17 counties.....		400,000
Texas.....	243 counties.....	171 counties.....	3,409,474
Vermont.....	7 counties; 6 cities.....	7 counties.....	284,862
Virginia.....	75 counties.....	25 counties.....	1,500,000
Wisconsin.....	47 dry towns.....	731 towns and villages.....	586,144
Iowa.....	81 counties.....	11 counties.....	1,718,752
Indiana.....	27 cities; 300 towns.....		1,755,569
Utah.....	87 towns.....	23 towns.....	125,000
Washington.....	6 counties; 1 city.....	30 counties.....	480,500
Total.....			25,126,689

New Jersey: All wet; no local option.

Pennsylvania: No local option.

Wyoming: All wet, except country districts.

South Carolina: Dispensaries.

*Population of prohibition States.***Constitutional prohibition :**

Maine, 1884.....	742,371
Kansas, 1880.....	1,690,949
North Dakota, 1890.....	577,056
Mississippi, 1908.....	1,797,114
Tennessee, 1909.....	2,184,789
North Carolina, 1909.....	2,206,278
West Virginia, June, 1914.....	1,221,119

**Statutory :**

Georgia, 1907.....	2,609,121
Oklahoma, 1907.....	1,657,155

Total..... 14,685,952

Adding, then, the total population in local-option dry territory--- 25,126,689

Brings the total population under dry territory in the United States at the present time to--- 39,812,641

The total population in the United States is approximately 95,000,000.

With these facts of the increase of consumption of whisky and the increase of prohibition States and local-option territory, the conclusion is irresistible

that prohibition in the States does not prohibit, that the States and local government are impotent to enforce the law, and that if the United States is to be saved from alcoholism the remedy must be applied at the root of the evil, and that is to abolish the distilleries and the importation of spirituous liquors.

#### ECONOMIC LOSS FROM DISTILLED LIQUOR.

The retail price paid by the consumer for spirituous liquors in the United States during the fiscal year of 1912 was approximately \$1,000,000,000—a total loss to the consumer and his dependents. This is based upon an estimate of 135,659,000 gallons retailing over the bar at \$7.50 per gallon—\$1,017,442,000.

#### PRESENT POWERS OF CONGRESS LIMITED.

Congress has not the power under the present Constitution of the United States to stop its manufacture. The powers of Congress enumerated in the Constitution do not include the regulation of police power within a State, and when not so enumerated is reserved to the States under the eighth amendment.

So it will take such an amendment as above proposed in order to accomplish the result desired.

#### FERMENTED LIQUORS AND TOTAL LIQUOR REVENUES.

The production of fermented liquors (beer) during the fiscal year ending June 30, 1912, was 62,176,694 barrels, a decrease of 1,106,429 barrels from the previous year. (See p. 13, Report of Commissioner of Internal Revenue.) This produced a revenue of \$1 per barrel. The receipts on beer for the first 10 months this year were \$52,217,423.55. The receipts for corresponding period last year were \$49,893,406.41, an increase this year of 2,324,017 barrels.

The amount of whisky imported last year was 5,567,833 gallons. This paid a duty of \$6,463,228. (See World Almanac, 1913, p. 249.)

Total receipts are estimated as follows:

Tax on whisky and alcohol.....	\$146, 715, 203
Tax on brandy.....	2, 694, 264
Duty on importations.....	6, 463, 228
Tax on beer.....	62, 176, 694
Total .....	218, 049, 389

So it will be seen that the immediate suppression of the manufacture and importation of all liquors, including fermented liquors, would lose to the Government \$218,049,389 per annum, besides the license fees.

This, of course, would be impracticable and would not be considered by Congress. The plan above suggested, however, minimizes to a large degree the evil effects of liquor and at the same time does not reduce the Government's revenue by leaving beer to stand the revenue thus lost, which will amount to approximately \$150,000,000 per annum. The beer industry can and should stand that loss. If 63,000,000 barrels per annum is produced, by doubling the revenue upon this and continuing the tax on whisky or spirituous liquors at the same or increased rate for the limited period after the constitutional amendment shall have become effective, it is assumed that sufficient revenue would be produced to take care of the deficiency. The profit in a barrel of beer is so enormous that the increased tax will be absorbed by the manufacturer and retailer and thus remain the same price to the consumer.

I am assuming that the evil effects of beer and wine are greatly less than those produced from the use of spirituous liquors.

I am also taking into consideration the immense amount of capital and labor represented in the beer and wine industries of the country.

#### COMPARATIVE PERCENTAGE OF ALCOHOL IN FERMENTED AND DISTILLED LIQUOR.

From Dr. John Billing's work on The Liquor Problem, a standard authority, volume 2, page 337, we find that the average percentage of alcohol contained in the different liquors is as follows:

	Per cent.
American beer.....	3.8
German beer.....	4.7
English ale.....	5.0

	Per cent.
Champagne.....	8.0
et.....	8.0
.....	8.7
ed wine.....	9.0
.....	10.0
e wine.....	10.3
.....	15.0
.....	17.5
.....	18.0

SPIRITUOUS LIQUORS.

.....	30.0
n, common.....	35.0
n, best.....	43.0
.....	40.0
.....	47.0
.....	51.0
.....	60.0

is by weight; the percentage of alcohol by bulk would be

FIVE AMOUNT OF CAPITAL AND LABOR EMPLOYED,

breweries operating in the United States is 1,461. (See p. 13, *Journal of Internal Revenue*.)

The capital invested in the manufacture of malt liquors is \$671,000,000, counting coo- perage and bottling industry, and it is the sixth largest amount invested in the United States. The capital invested in wineries is \$1,000,000, which would bring this amount up to \$699,066,000, while the amount invested in distilleries is only \$72,450,000. (See U. S. Census Bureau Bulletin, 1910, p. 80.)

The number of men employed in breweries is 54,579, in wine industry is 1,911, while the number of men employed in distilleries is only 6,430.

The wages paid out in the manufacture of whisky is \$3,074,000 per annum. The wages paid out for the manufacture of beer is \$41,206,000 per annum, and for manufacture of wine \$972,000 per annum. (See *Prohibition Yearbook* for 1912, p. 39.)

The amount of grain used in the manufacture of whisky is only about one-half of 1 per cent of the total product of grain-producing liquor in the United States. The total crop for 1910 of grain was 5,143,187,000 bushels. (*World Almanac*, p. 163.) Of this amount the following was used in distilled liquor in 1911:

Barley.....	3,407,325
Wheat.....	21,765
Rye.....	5,376,018
Corn.....	23,247,004
Oats.....	13,172
Total (being one-half of 1 per cent of total).....	32,065,284

(See *Prohibition Yearbook* for 1912.)

The number of distilleries now in operation is as follows:

Grain.....	417
Molasses.....	17
Fruit.....	386

Total (a decrease of 103 over the previous year)..... 820

In 1908 there were in operation 1,587. (See *Internal Revenue Report*, 1912, p. 12.)

These comparisons are made for the purpose of showing the small injury to the welfare of the people that would result from the suppression of spirituous liquors as compared to the fermented.

Last year it will be seen the number of distilleries was decreased 103. As the amount manufactured has increased, it must be assumed that the capacity of those remaining has been increased.



It will be seen that the amount of whisky imported and the amount of brandy manufactured is nominal.

The time may come when fermented liquor should also be put under the ban of the Government, but the enormous good to be derived from the experiment above outlined and at the same time preserving the revenue to the Government for the present justifies the discrimination above mentioned.

The main object of the time extension is to get rid of the immense supply on hand without confiscation and to increase the revenue from the production of whisky pending the period and to increase it permanently on beer, so as to take care of the deficit occasioned by the suspension of its manufacture.

After such a resolution has been properly ratified by 36 States, it would then be an easy matter for Congress by appropriate legislation to regulate the manufacture of sufficient quantities of alcohol or brandy for the uses set forth in the above exception. Similar regulations are now in force in many ways, and there could be nothing complicated or difficult in the enactment of such provisions.

The provisions of the Federal law regulating distilleries, the sale of machinery to the same, the provisions under which bonded warehouses are operated, and the denaturizing of alcohol, and regulations for the sale of opium for medicinal purposes, which are in force now, are fair samples of the method Congress could use in the adoption of "appropriate legislation" to carry out the provisions of the exceptions set forth in the proposed amendment.

The CHAIRMAN. There is a certain matter coming up on the floor of the Senate which requires our presence for a little while, and, if it is convenient, we will reassemble at half past 2 o'clock this afternoon and continue the hearing.

Mr. DINWIDDIE. That will be convenient for us, Mr. Chairman.

(Thereupon, at 12.50 o'clock p. m., the subcommittee took a recess until 2.30 o'clock p. m.)

#### AFTER RECESS.

The subcommittee reassembled at 2.30 o'clock p. m., pursuant to recess taken.

The CHAIRMAN. The committee will come to order now and proceed with the hearings.

Mr. DINWIDDIE. Mr. Chairman and gentlemen. I have the pleasure of introducing Rev. Thomas M. Hare, superintendent of the Maryland Antisaloon League at this time, but who was the manager of the federation forces—chairman, I believe, of the federation forces—in West Virginia, when the campaign was on in that State when it went prohibition.

#### STATEMENT OF REV. T. M. HARE, SUPERINTENDENT OF THE MARYLAND ANTISALOON LEAGUE.

Mr. HARE. Mr. Chairman and gentlemen of the committee, I want it distinctly understood that while I reside within the boundaries of Maryland at the present time, I am a West Virginian.

The CHAIRMAN. When you did your job so well in West Virginia you went to another State where you were more needed?

Mr. HARE. Yes; but I hope to get back home when the heat and the burden of the day has passed by.

There are one or two things that I wish to say directly bearing upon the fallacy of this proposition. In the first place, I would like to call the attention of the committee to one thing—the relationship between the liquor traffic and the trust question. Up to the present time, if I understand the warfare that has been carried on against

the traffic, the campaign has been conducted along the same lines that the campaign against the liquor traffic has been conducted through all these years. It has been with the idea of regulating and controlling. The liquor traffic has successfully resisted regulation and control, and so have the trusts, and the National Congress has not yet seen fit or wise to annihilate the trusts absolutely; but it may have to come to that, as we have had to come to that in the liquor traffic.

The great trouble that has grown out of the question to-day has been the inability to compel the liquor traffic to abide by any rules and regulations or laws that have been written down for their control. They have refused to obey them; they have overridden the will of the people continuously and everywhere.

Another thing is that the only way that we ever will be able to control the liquor, in my judgment, will be to destroy the liquor traffic organizations. It has a complete organization for the purpose of perpetuating itself, which is seen in the disregard of every endeavor that has been made for its control. When the organization is killed—there is no way that it can be killed, as I understand it, except by national legislation—when the organization is killed, then the troubles that have been continuous in the States that have tried to enforce their prohibitory laws will, in a measure at least, be cured.

Anyone who has been up against this proposition knows that the local fellow, while small and insignificant in himself, has the backing of the organization of the liquor traffic in America; that when you destroy him you are only smashing a tentacle of this monster; that the tentacle grows out again and will continue to grow until the monster itself is killed, and you can not kill it while it is possible for it to operate outside of the local units, the States.

The necessity of the matter grows out of the fact that the liquor traffic comes on the borders of our dry territory and will persistently force itself back across the territory. I have been in communication with the people of Harpers Ferry quite recently and there is a specific illustration. On the 1st of July West Virginia goes dry. The Potômac, a narrow stream, divides the States, and at Harpers Ferry the narrow bridge leads across into Maryland. They are now seeking to establish, and probably will establish, a liquor saloon at the other end of the bridge. They are trying to do that all along the West Virginia border. They are putting saloons in Maryland, and with frequent railroad trains, with the automobile now a fixed success, the thing becomes complex, and no State is going to be able to successfully enforce its laws as long as these things are permitted to exist upon the border of that State, however intently they may try to do it. When you kill the liquor trust, that is going to do it, and that is the only thing that will do it.

We are having a very splendid experience in Wheeling, W. Va., at the present time showing how prohibition kills the State. That was to be the downfall of Wheeling, the business of Wheeling was going to be ruined if these breweries were moved out. Workmen would be out of employment; but just now, at the present time, the Raymont Brewing Co., which is the brewing institution of that State, instead of going out of business, has put \$500,000 of new capital into the business, and instead of running a brewing house

there they are going to run a packing house; and instead of employing 40 to 50 men, they are going to employ from 400 to 600 men. That is the way Wheeling is being killed, and people enjoy being killed that way.

Now just one other fact, gentlemen, and then I think I have gotten out of my system all that is necessary for my own personal comfort. Delaware has been dry in two counties for a number of years—Kent and Sussex. The last Legislature of Delaware passed what is known as the Hazel law. The Hazel law forbids the shipment of liquors into the State at all, but permits a person to carry in not to exceed one gallon for his own use in 24 hours. A gallon a day was thought to be enough for the Delaware people. They could not ship it in, but had to go and bring it in. The result was that the express company offices and the railroad freight offices along our border counties became jug depots. They would ship liquor just as close to the Delaware line as it was possible to get to a receiving station, and then by automobiles and carts and mule back the citizens of Delaware would come and carry the supplies on over the border. Of course, it is pretty hard for a man like Senator Borah, coming from a great State six or seven hundred miles long, to understand how we are packed in down here; but when you remember that Delaware is so small that a person has to be careful not to fall out of it, you can understand how these questions will come up. We have done the best we can, having passed a prohibition law for these eastern counties, and we hope that we have moved the distance back a little where the Delaware folks will have to go for their liquor supplies. But while we have used our best endeavors in States that have tried prohibition on account of border interference, on account of the fact that the liquor traffic is the biggest trust that there is in America to-day and the meanest trust, we can not control it without Federal legislation. I think it is almost impossible for people to talk about trusts without using language not fit for general consumption, and this is one of them; and the solution of this liquor problem is not attempted regulation but absolute annihilation.

Mrs. ELLIS. I have the pleasure to introduce Miss Helen Hood, of Illinois, who will be our next speaker.

**STATEMENT OF MISS HELEN HOOD, PRESIDENT OF THE WOMAN'S CHRISTIAN TEMPERANCE UNION OF ILLINOIS.**

Miss Hood. Mr. Chairman and gentlemen, I am glad to represent a State that has had two great commoners, Lincoln and Frances Willard. In that State we have problems like they have in New York and Pennsylvania and Ohio; and a week ago, last Tuesday, the greatest liquor battle that was ever fought in any State was fought in Illinois, where the clear-cut issue was whether the people should have saloons or not. In 249 townships we fought it out. Heretofore only one wing of the people have been at the ballot boxes, but last Tuesday two wings, the men and the women, together fought out the question in 249 townships.

We have 12,759 saloons in Illinois, of which Chicago has over 7,489. Chicago is the clearing house of all the nations of the earth, and Peoria is the place where the largest revenue tax is paid for the destruction of those people. The question has been fought in many

towns and many cities within the last five years and there has been an increased sentiment in every city of every importance that there must be larger areas of civic and municipal betterment and cleaner conditions.

Illinois recognizes, as other States do, that its most valuable asset is its citizenship. We are a rich State. We have much that makes us a rich State, but the men and women of Illinois recognize that the most valuable factor to increase the wealth of that great State is a straight, clean, true, upright, citizenship, and therefore we made our fight last Tuesday; and we added 22 new dry counties, making more than one-half Illinois under local prohibition. We added 119 new cities and villages to the dry column. Eleven of the largest cities of the State, outside of Chicago, were swung into line. There was not one of those cities, Mr. Chairman, but what had realized to the fullest the increase in the taxes, the increase in the care of the paupers and criminals. They had found by close examination that these things have been on a constant increase. Illinois in 21 years has increased its population one and one-half times. Its appropriations from the legislature in that time for the care of the product of the saloons in the jails and penitentiaries, in the insane asylums, and in the places where little children have been brought, is 75 per cent, and the amount that has been increased during those 21 years for the care of the products of the saloons is 10 times more than the increase of its population. Therefore, we felt that the battle was on, and we have made it a signal victory.

Next Tuesday 30 large cities will enter into the contest again. I want to say that in Chicago the question was not directly upon the ballot. The women there, 164,000 of them, voted directly for aldermen in 35 wards. They retired seven who had various unsavory records. The man whose name is known from the Atlantic to the Pacific, a man who has been seated for over 20 years in the council of our city by the most vicious, corrupting, demoralizing process that any city in this country can show, had his majority cut down for the first time more than one-half. He was reelected, but we have marked the day in Chicago when no such men will again be returned to the council of the city of Chicago.

Out of the 200,000 people that directly voted upon the question of the saloon outside of the city of Chicago 73 per cent of them were women who voted directly for no license.

Mr. Chairman, I saw yesterday in the daily papers that the Illinois Congressmen, every one of them, had been presented by the liquor traffic with resolutions signed by 100,000 people of Illinois, asking that this amendment should not pass. I am presenting to you to-day resolutions signed by over 101,000 people of Illinois who stand for the adoption of this amendment. I want to say to you, gentlemen, that this great fight is on, as my friend from Kentucky says, for the children of Illinois, for a clean condition for those young boys and young girls to grow up in. We are the gateway in Illinois for many things from the Atlantic to the Pacific, and if America is to solve out her problems right she will need the help of thousands of those young men and women in Chicago and Illinois.

Therefore, on behalf of 14,000 women white ribboners and in behalf of that over 100,000 men and women and the daily press of Chicago who stand with us, the leading men and women in the

offices and in the homes who stand with us—on behalf of this splendid constituency of moral, liberty-loving men and women I ask that this committee shall pass this amendment.

Mr. DINWIDDIE. I wish to introduce next Rev. W. C. Shupp, of Missouri.

**STATEMENT OF REV. W. C. SHUPP, SUPERINTENDENT OF THE MISSOURI ANTISALOON LEAGUE.**

Mr. SHUPP. Mr. Chairman and gentlemen of the committee, I do not wish to take any time. In fact, I am due to start back to "Buschtown"—St. Louis—but I wish to call attention to the fact that if you will look at my name you will see that it is German, and I am sorry that my German friends who were here this morning did not stay. I do not belong to the German Alliance, however.

I wish to call attention to this fact, as represented on this map, that not all Germans belong to the German-American Alliance, or those who would make a defense for the liquor traffic, for we have made some most decided inroads into that German territory in our State. In one of the last elections, in some of the counties dominated absolutely by the German vote, the liquor traffic has been driven out. I am glad to say that the German people are moving forward on this problem, just like all the rest of the folks, that a lot of us like Shupp, Schlitz, Pabst, and Busch—they all sound alike—stand on the other side of this question.

In my State we have 77 entirely dry counties, and we have pending a law now, passed by the last legislature but held up—the full county unit law—that those engaged in the fight in the house and senate last year say would drive the liquor traffic into the last six or seven counties of the State. After that we will come squarely up against the problem of the big city of St. Louis, the biggest brewery city in the world. I do not speak it with pride at all, I assure you, but it is a problem that St. Louis can not solve. No large city of the size of St. Louis or larger can solve its own problems at all. It depends absolutely on the man passing by from Jerusalem to Jericho to come and help, because we have fallen among thieves. I need not discuss that with this intelligent committee at all. We are not looking only to the people of Missouri for help, because Missouri itself is not big enough to solve the problem of St. Louis. This liquor question may be entirely a local question, but you know of course that it is absolutely impossible of solution by the city of St. Louis, and we are depending for the final solution of this liquor problem in these big cities upon the whole strength of the whole Nation. And that is the reason we are to-day asking for the submission of this resolution to the States to the end that we may bring to bear upon our worst centers the best and strongest moral influences of our rural sections and our smaller cities.

The question has been very seriously raised as to whether State rights would not be interfered with by this act. Let me state frankly that State rights have been most seriously interfered with by the liquor traffic. State rights have been most seriously interfered with by the Federal Government backing up, as it has under present conditions, the liquor traffic, which has prevented State after State from enforcing the will of its own people as expressed in the

ballot box; and the result is that we are asking to-day that the States be given the right to speak on this question in the most democratic manner possible, by giving the legislatures an opportunity to speak on the question of whether the liquor traffic shall continue in America as a whole or not; and we contend from the standpoint of State rights that this committee should, as we expect you will, submit to Congress and Congress will submit to this Union the whole problem of the liquor traffic.

Mrs. ELLIS. I would like to present Mrs. Stevenson, president of the Massachusetts Woman's Christian Temperance Union.

**STATEMENT OF MRS. K. L. STEVENSON, PRESIDENT OF THE WOMAN'S CHRISTIAN TEMPERANCE UNION OF MASSACHUSETTS.**

Mrs. STEVENSON. Mr. Chairman and gentlemen, it is utterly impossible that anything could be said here that is not in the line of cumulative testimony, because it seems to me, and I think it must to you, that the ground has been fully covered, and yet I am glad of the opportunity to bring from the 10,000 white-ribboners of Massachusetts some cumulative evidence from the State of Massachusetts as a whole, and what I feel—I am sure—is the sentiment of the temperance men and women of the State, that we must have help from the National Government in working out our problem.

State rights must sometimes be seemingly interfered with in order that they may really be protected. There must be help from the National Government in order that the State may carry out its own policies. That has been said in different ways here to-day. But in Massachusetts we have an object lesson in a State three-fourths of the area of which is under local prohibition. Every year, I am sorry to say it is every year, because I think our national election is a thing that might well be done away with—but every year the men citizens of the State say at the ballot box whether or not the saloon shall have a legal right to exist, and in that annual election the area hardly ever varies from year to year. Sometimes the town that has voted for license heretofore swings into the "no" column, and sometimes a reverse swing is made; but we have fairly kept that average of three-fourths of the area and more than half of the population under local prohibition. I want to state that we have found the most limited, narrow, and ineffective form of no-license better than license, yet we have found ourselves constantly hampered in carrying out what is the real wish of the people in the enforcement of the law, because the liquor traffic in Massachusetts (as it is in the other States) concentrates on some point where liquor may be brought from other States to ours. We find the same thing existing between Connecticut, Rhode Island, and New York. No-license areas along these border lines are constantly being invaded because of the existence of licensed saloons over the line.

I remember Mrs. Hunt used to say Massachusetts was never doing more for the world than at the present time, only she was doing it in some other part of the country. You remember it has been said that Massachusetts was skimmed three times to make the State of Iowa, and there has been a good deal of skimming done for other States as well as Iowa. There has been a constant influx of people

from other parts of the world, which has made it practically impossible for us to go ahead as fast as have other parts of the country. But the sentiment is still largely in the ascendancy for prohibition in the State as evidenced by the fact that there have come resolutions and memorials in great numbers from hundreds of meetings all over the State. Petitions have been sent in from all over the State asking that this resolution be passed by our National Government, and that the Nation undertake to help the States in carrying out this question, which can not be settled within State lines, but which is nationwide and world-wide in its scope. Therefore, we come to you to-day asking that you will consider Massachusetts and all the other States. I confess frankly that we have not moved very rapidly, but when this question shall be referred back to Massachusetts, I believe it will be one of the 36 States that will at once ratify the resolution. I am sure that the temperance people will be very glad to be reckoned in the minority and to have the rights of the majority rule over the minority if the will of the people is to become the law of the land. We believe in the rights of the majority, but in the meantime we are working to educate, and we believe that we will educate them up to our view of the question which they do not have to-day.

This is a question of the preservation of our Nation; it is a question of the preservation of our efficiency; the preservation of our national life on a higher plane, which will result in the preservation of our industries and our ascendancy in the great world affairs of to-day. Lord Roseberry said years ago that if Great Britain did not settle the drink traffic, then the drink traffic would settle Great Britain; and I am certain that Great Britain does not differ from the United States in that regard. This crisis is before us, and it must be met by measures which may seem somewhat drastic, but we are only asking that action be taken in the way provided by the people who framed our Constitution, that it should be amended by the votes of three-fourths of the States; and therefore we ask you to refer this question, which is more than a moral question, which is a civic question, which is an economic question, which has to do with all that enters into our manifold civilization—we ask you to refer it back to the people, and we believe that on their ultimate decision the manufacture or sale of intoxicating beverages or alcoholic beverages will forever be banished from our land.

MR. DINWIDDIE. I take pleasure in introducing Mr. Laughbaum, superintendent of the Oklahoma Antisaloon League.

**STATEMENT OF MR. H. T. LAUGHBAUM, SUPERINTENDENT OF THE OKLAHOMA ANTISALOON LEAGUE.**

MR. LAUGHBAUM. Mr. Chairman and gentlemen of the committee, I come from a State which was not raised on the bottle. It was born a prohibition State. We have in Oklahoma some 60,000 Indians. The Congress of the United States when they passed the enabling act, enabling Oklahoma and Indian Territory to form a State, wrote into that enabling act a 21-year prohibition clause for the Indian Territory and all Indian reservations in the Oklahoma Territory that were reservations on January 1, 1906. In this prohibition clause which Congress wrote into the enabling act, they prohibited the sale or advertisement or soliciting of, and the carrying of,

intoxicating liquors into the Indian country. The State of Oklahoma when they adopted their constitution submitted this proposition as a separate ordinance along with the constitution for the whole State, and the State adopted the same by over 18,000 majority. That was in 1907. In 1910 the organized liquor traffic from outside of the State came within the boundaries of our State and again brought on an election under the initiative and referendum to strike this prohibition clause from our constitution, but we defeated that proposed whisky amendment by over 24,000 majority.

The Supreme Court of the United States since then has held that the old Federal prohibition law still prevails in the Indian Territory, a part of Oklahoma, so in that part of our State—one-half of our State—we have a Federal prohibition law and State prohibition laws. Under the Federal law it is impossible for a railroad company or an express company or any other common carrier to carry a shipment of intoxicating liquor into the Indian country, but in spite of that the organized liquor traffic outside of the State still ships it in in trunks by express, and in all manners, shapes, and forms.

In the State of Oklahoma our citizens generally obey the law. We have over 500 newspapers published within the boundaries of our State and not one of them carries a liquor advertisement. We can carry an Oklahoma newspaper into our homes and our little boys and little girls do not see a picture of a whisky bottle or a beer bottle in an Oklahoma newspaper. Nowhere within the boundaries of the State of Oklahoma is there to be found a liquor advertisement upon the side of a building or a billboard or a fence. Yet, notwithstanding this prohibition law, notwithstanding the 21-year prohibition clause in the Indian country, which was held to be constitutional by the Supreme Court of the United States, which prohibits the advertising and soliciting of intoxicating liquors within the boundaries of our State, the organized liquor traffic of the other States fills that country with their price lists through the United States mail.

I took that matter up with the honorable Postmaster General once, and asked him if it was not possible for him to make an order in that department prohibiting the use of the mails to the liquor traffic to send their price lists and their letters soliciting the purchase of liquors within the Indian country. The honorable Postmaster General, replying, said that he was powerless until Congress should act. We have a law in Oklahoma which prohibits the sale of intoxicating liquor to minors, making it a felony with a maximum penalty of \$2,000 fine and five years in the State penitentiary. I am the superintendent of the temperance department of the State Sunday School Association. On Sunday, the 9th day of last February, which is temperance Sunday, 5,780 Sunday school scholars signed the total abstinence pledge. Yet through the mails come these price lists and these letters, and you will find a letter sometimes coming to a boy 12 or 13 years of age. I know one case where a letter came to a boy only 11 years old, and in one of those letters they said that if he would sign the inclosed card and mail it to a Louisville (Ky.) distillery, they would send him by express, prepaid, 1 quart of whisky free of charge, and that he might use it and, if he liked the brand and would send them so many dollars, they would send him so many quarts of the same brand.



I know of one instance—and we took it up with the department here—where a little boy 11 years of age got hold of one of those cards and sent and got a quart of whisky. He never had tasted whisky in his life before, but he got some other little boys, and they together went into a barn and uncorked this whisky and drank it all together until they all got beastly drunk.

Now, how long is this Nation, called a Christian Nation, going to stand idly by and let this great organized vice, the liquor traffic, debauch our boys and girls?

Mr. HOBSON. May I ask a question there?

Mr. LAUGHBAUM. Yes; certainly.

Mr. HOBSON. That is a very interesting piece of testimony, about the furnishing of liquor free to boys. Investigations throughout the country indicate that as a fixed business the liquor interests have adopted the policy of developing the appetite in the boys, and when the boys have not any money with which to buy they will give it to them free.

Mr. LAUGHBAUM. That is true; they give it out in little nursing bottles.

Mr. HOBSON. I want to ask if your investigations in Oklahoma have disclosed the running of "blind tigers" which would supply boys free, utilizing the human agency, as well as the mails and express?

Mr. LAUGHBAUM. I do not know as to that.

Mr. HOBSON. If you ascertain that fact, I wish you would let us hear from you.

Mr. LAUGHBAUM. Now, on the list that the distillers send out from, they have your name, and they give you a number, and they send the price lists and letters, and so on, to you with the number on the return card. If you sign that post card and mail it back to them, then they send you the liquor by getting your address from the number that they have back yonder, and when you mail that post card in the post office nobody knows where it comes from, because it has a number on it, and they have that registered back yonder.

The Senator from Idaho [Mr. Borah] will remember—I think it was in the fall of 1911 that I was out there in a campaign—he will remember that there was one liquor advertisement in the Idaho newspapers where they had a picture of Uncle Sam and the statement, "Uncle Sam is our partner." Now, we are coming here to try to get Uncle Sam to dissolve that partnership. That is what we are here for.

Now, Oklahoma—I speak this with shame to our Government—Oklahoma, where this Congress has passed a thorough prohibition law, where they have a 21-year prohibition clause for the Indian Territory which is a part of my State—I have now in my desk in Oklahoma City the names of several hundred men and women within that Indian country that have paid the special liquor-tax receipts signed July 1, 1913, issued by this Government of ours, that knows that they have a Federal law which prohibits the introduction of liquor into that State or into that country. Now, is it not time for men of intelligence and education to stop that?

In II Chronicles, seventh chapter, fourteenth verse, it says: "11 My people, which are called by My name, shall humble themselves, and pray, and seek My face, and turn from their wicked ways: then

will I hear from heaven, and will forgive their sin, and will heal their land."

Now, we have only one national sin in America, and that is the legalized liquor traffic. This Nation of ours does not legalize prostitution, gambling, murder, or any other sin or vice, and I believe that this Nation and the Congress of the United States, as well as the people of this Nation, are ready to get rid of this great national sin and undo the organized liquor traffic.

Mrs. ELLIS. It is with great pleasude that I introduce the president of West Virginia, Mrs. L. L. Yost.

**STATEMENT OF MRS. YOST, PRESIDENT OF THE WOMAN'S CHRISTIAN TEMPERANCE UNION OF WEST VIRGINIA.**

Mrs. Yost. Mr. Chairman and gentlemen, we represent West Virginia, and we are very proud of it. We represent not only organized womanhood, organized for the express purpose of overthrowing the legalized liquor traffic, which is wholly wrong, but we also represent many other organizations, which are organizations of both men and women for the betterment of the States, both from an economic standpoint and from a social standpoint. I want to emphasize the fact that West Virginia has registered the vote of 92,000 of the citizens of that State for a prohibition law that will take effect at midnight June 30. We know with a certainty that this sentiment is expressed for national prohibition; we know and can speak for the manufacturing class almost as a whole in West Virginia for national prohibition; and we do believe that this committee ought to feel that West Virginia begs and prays that they will recommend the submission of this question to the people.

Senator BORAH. Mr. Dinwiddie, sometime before this hearing closes I wish that we could have a more thorough presentation of data with reference to the interstate-commerce feature of this traffic; that is, the organization which the gentleman from West Virginia spoke of, the trust, etc., and the fact that all these immense concerns do business outside of the State in which they are located, and that they could not exist except as an interstate affair.

Mr. DINWIDDIE. We will be very glad to do that.

Mr. LAUGHBAUM. I would like to add one statement there. There were 52 mail sacks that came in in one day to the Oklahoma City post office from one of these whisky houses.

Senator BORAH. What we would like to have is the number of these big concerns, and the manner in which they do business, to show that it is a national affair.

Mr. DINWIDDIE. I understand your point, Senator, and we will be very glad to do that.

Is Rev. S. E. Nicholson here? Mr. Nicholson represents the Friends—the Quakers, as we sometimes call them—the Friends' General Board of Temperance in this country. I want to put that in the record, that Mr. Nicholson has been here to-day but could not be called on this morning. He testified to the fact yesterday that practically all of his people were unanimously in favor of, in heartiest sympathy with, this proposed amendment, and asks for its favorable report and its passage by Congress.

In this connection, while I am on my feet, without taking any time from the next speaker, I wish to say that I have been asked by the General Temperance Board of Baptists of North America, the general convention of the Baptist Church, to say a word for them to-day, and to put them on record officially as favoring the passage of this proposition.

In the absence of Mr. Nicholson, I want to call on Mr. H. N. Pringle, for many years a citizen of Maine—and I presume still a citizen of Maine—but with headquarters in this city, representing the International Reform Bureau.

**STATEMENT OF MR. H. N. PRINGLE, REPRESENTING THE CIVIC LEAGUE OF MAINE, AND THE INTERNATIONAL REFORM BUREAU, WASHINGTON, D. C.**

MR. PRINGLE. In my work last year I was called into many towns and cities in 14 States, where I witnessed a peculiar situation that can not be remedied so far as I perceive except by such legislation as this resolution would provide if adopted; namely, towns and States under municipal, county, or State-wide prohibition, where there are efforts to suppress the legalized liquor traffic, thwarted in large part or almost entirely by neighboring towns across the State line whose policy is the opposite, and which, as a matter of business, had placed their saloons, often not in the center of those neighboring towns, but where they could be reached by short walks across a bridge or by 5-cent trolley-car fare from these neighboring towns that were under local, county, or State-wide prohibition. I have a document here pertaining to the same situation in Maine, where for 12 years I was secretary of the Christian Civic League of Maine, which shows in itemized form for three months, giving the amount per day in each month subdivided by each kind of liquor, spirituous, vinous or malt, an importation of 7,765 barrels, 659 kegs, 2,858 cases; of which the spirits included, exclusive of malt and a small amount of vinous liquors, 330 barrels, 120 kegs, 1,177 cases; and that importation of liquor was permitted by the United States authorities, which had rendered unconstitutional a part of our law prohibiting from the State for unlawful sale intoxicating liquors of all kinds.

In that instance and place these liquors were being delivered surreptitiously, at night, on Sundays, and certain times by connivance of station agents with the lawbreakers who were bringing in this great amount of liquor in that space of time to a town which has, I believe, the largest foreign population—a textile manufacturing town—of any city in Maine. And, further, as an instance of the relationship of the State which tries to carry out sincerely a policy of prohibition of the beverage-liquor traffic and the conflict with the United States Government, Sheriff Thurlow, of Houlton, Me., seized liquors addressed to a dealer with a record of numerous convictions for violation of the liquor laws, and the sheriff was arrested for interfering with Federal authority. He was brought into the United States court in the State, and then at the last trial he was here in Washington. One thousand dollars has been expended by him, \$300 of which was on the last trial, which the sheriff personally paid, and he told me then that he escaped fine and imprisonment, or both, by the United States for seizing that liquor addressed to a convicted

rum seller in Houlton, Me., on a technicality in the court in Washington.

The United States Government has a duty to discharge toward its citizens in other matters than material issues, and that recognition is indicated in the different attitudes at this time. There are great projects in reclamation and for abating disease, more in stock animals than in persons, and also in regard to industrial safety, and in various other ways. But the old idea that the Government existed principally in material matters is well illustrated across the corridor in the Committee on Appropriations in the decorations over the door; Minerva, a shield, a stand of arms, at one side, and the cannon, with ammunition piled, at the other side of the goddess of war. That was the old idea of what appropriations were for, to fight; and that is now a part of the Nation's duty to protect this country, and the first duty; but in these other matters much is being done, and the appeal here is for the Nation to recognize its obligation to manhood, especially to unprotected womanhood and childhood, to protect exploited humanity against those persons who are conducting as a business for profit—a large unusual profit, according to investments—the exploitation and degradation of humanity, with all the resulting havoc and shame and loss and pain that has been pictured here to-day by others who have presented this subject.

I want to suggest this fact, which has not been mentioned in the hearings. Other matters of legislation call for large sums of money to be expended with which to carry them into effect. When you gave money to the Klamath project in the Northwest or the great Roosevelt and Pathfinder irrigation projects and the great water-power projects, you provided for hundreds of millions of dollars altogether, and so for all other work that is carried on, ungrudgingly, and generously, according to the means and demands as Congress fixes the amount; but if this legislation is granted, assuming that in the meantime the Government will dissolve this suggested improper partnership with the liquor traffic in the matter of the internal-revenue tax of \$225,000,000 a year—assuming that the partnership, if such it may be properly designated, is dissolved, then this legislation proposed will benefit the people at large without the appropriation of any considerable or of any amount if the machinery of the Government can put this into effect; and it has been plainly mentioned and reiterated here that the proposal is not to throw the enforcement of the law for the control and the abatement—the extermination of the liquor traffic—onto the Federal Government, but to leave the States free and unhampered in this great work for humanity.

Mrs. ELLIS. I would like to present Mrs. Thacher, superintendent of the work for soldiers and sailors in the National Woman's Christian Temperance Union.

**STATEMENT OF MRS. E. H. THACHER, OF THE WOMAN'S CHRISTIAN TEMPERANCE UNION OF NEW JERSEY.**

Mrs. THACHER. Mr. Chairman and members of the committee, I represent New Jersey, with more than 12,000 members of the Woman's Christian Temperance Union. Of course, you know where

New Jersey is situated, between New York State and Pennsylvania. The CHAIRMAN. It is very much on the map just now.

Mrs. THACHER. It certainly is, and we intend to keep it on the map, because we are going to have State-wide prohibition, and we want protection from New York City and Philadelphia; and so I come here to-day to ask you to submit this resolution, to take it out from the committee and give it to the Nation, so that New Jersey shall have a chance. Certainly, with the President of the United States coming from New Jersey, we think that you should give us a chance to enforce our own laws.

I also want to ask the committee to do this for the sake of the sailors and soldiers of the United States—the boys of the Army and Navy. Perhaps you do not know that we have some boys in the drum corps studying to be buglers and those who are buglers or drummers that are between the ages of 16 and 17 years, and also that we have a very great many soldiers and sailors who are under 21 years of age with habits unformed.

Mr. HOBSON. Will Mrs. Thacher allow me to interrupt her?

Mrs. THACHER. Yes.

Mr. HOBSON. I wish to inform her that an investigation was made of the Atlantic fleet in commission as to the ages, and the average age, all sailors included, is less than 21 years.

Mrs. THACHER. I have traveled from one end of this country to the other; I have visited the forts and battleships and have been in the National Soldiers' Home, all of them, and very many times, also, in to the staterooms, and as I go among these men, these wards of our Nation, many, many of them have pleaded with me that they shall have more protection from this evil than they have had in the past; and so, for the Nation's defenders, I ask that you will allow this bill to go out from the committee to the country.

Mr. DINWIDDIE. Mr. Chairman, since the subject has been broached of the Army and Navy—I intended to speak of it later on, but I can not forbear from adding a word that I think you will not feel is out of place, and that my auditors will not feel is out of place—I feel that I would like to put on the record our most sincere appreciation of the recent act of the Secretary of the Navy in abolishing the use of liquors in an order that not only commends itself to the temperance people of this country, but, I think, is in thorough accord with the best business judgment of the times. The men that run the ships that represent an outlay of ten or fifteen millions of dollars and carry the liver of six or seven hundred men ought to be in possession of their senses all the time; and it was in the interest of that sort of thing that Secretary Daniels issued that order putting the men and officers of the Navy on a par with the men in the ranks.

I now want to introduce a business man, a man of affairs from the city of Baltimore, Mr. William F. Cochran, member of our national headquarters and a member of the Maryland Anti-Saloon League.

**STATEMENT OF MR. WILLIAM F. COCHRAN, OF THE MARYLAND ANTISALOON LEAGUE, BALTIMORE, MD.**

Mr. COCHRAN. I speak with a great deal of reluctance here on this question, because when I get on the question of exploitation like this I am apt to be carried away and say something that perhaps is a little too strong.

I wish that I might speak particularly to what Senator Borah has asked us to refer to, yet I do not feel capable of doing that any more than to say that since the Hobson amendment was introduced I have witnessed among newspaper men and other men of affairs a marked change of front on this whole question, because up to this time they have always been contending that prohibition could not be made to prohibit; but they see now, and are sincere about it, that it can be made prohibitory by the act of the United States, by the Federal Government, and there has come about a widespread feeling that this thing is going to happen. Only recently a newspaper man from the middle county of my State, the owner of a paper, told me that within the next ten years he looked to see this whole question removed, and he was going to bring his paper out in the interest of it. All along the line there seems to be a changed attitude on the subject, as I see it, among business men.

I happen to be among that class which lived at the expense of the great exploited army of toilers, and I am making it my business in my life to try to make some restitution to those who have created the wealth, and perhaps it is because I feel, as I understand Senator Borah has said, that until this question of the liquor matter is solved we can not expect to solve our industrial problems, that I am particularly interested in this because I am concerned about that great army of toilers who are not only exploited for this traffic but exploited by those who try to get their labor at the lowest possible price. I am concerned about them, and I know of no better way of making restitution to them than by fighting to protect them from this traffic and helping to keep their minds clear and strong so that they shall be able to organize for their own self-protection, so that they shall hear with clear brains and clear minds the call of the agitator, if you please, who bids them organize for their own self-protection and to fight for their own interests.

Perhaps what I have said sounds a little radical, but I find that when I speak on this temperance question I can not leave these other industrial questions alone. When I started in three or four years ago talking on the temperance question, I felt pretty strongly the reproaches of those who could not see the thing my way, but now I find that it is easy to stand for them. As one moves on, some of the more serious questions which lie beyond this question come up, and men are saying "Leave these industrial questions alone; we are with you on this." That is just expressive of the way people are taking this now, as very much less radical, as some of the bigger things come in sight.

Mr. DINWIDDIE. I would like to ask Miss Rhoads to say just a word for Pennsylvania.

#### STATEMENT OF MISS REBECCA NAOMI RHOADS, OF PENNSYLVANIA.

Miss RHOADS. I do not know that I have ever spoken in public this way before, Mr. Chairman and gentlemen, but I wish to say that I represent in the State of Pennsylvania 34,000 white-ribboners, and they are very much in earnest there.

Our State has been called the blackest State in the Union because we have only about four counties that are dry; but the fifth has come

in just recently, and I think that since this Hobson resolution has come up I have noticed a great awakening, because, as the gentleman has said just now, "Now, we are with you because you are doing that." Before, when you would go to men to get them to sign petitions against local license, they did not want to do it; but now when you ask them instead of that to write telegrams and send letters to these gentlemen here—and many of them have been written—they are glad to do so. They say, "We are with you now, because this is a national question; this is what you should have been doing long ago." I am sure that we do not realize how many men who seem to be opposed to this movement are really in favor of it when it comes to a national issue.

I do not know whether it has been brought to your attention here—I have not heard it—but I notice that our Pittsburgh Board of Trade has just recently passed a resolution asking Congress that you act favorably on this matter, and I do most earnestly ask, on behalf of all these people that I know are working so hard for it, that you will report this bill favorably. That is all I wish to say.

MR. DINWIDDIE. There are two gentlemen present who represent a section of our population that feels very keenly on this question. I do not know whether they want to speak or not.

MR. HORTON. Just a word or two.

MR. DINWIDDIE. I will call on Mr. Morris, a colored minister from Norfolk, Va., and I am sure if you have ever heard him you will want to hear him again. He has asked the privilege of saying a word for his race, which is evidently interested in this question.

#### **STATEMENT OF MR. S. B. HORTON, REPRESENTING THE COLUMBIA LIBERTY ASSOCIATION, OF NORFOLK, VA.**

MR. HORTON. I wish to say just a few words in connection with this matter, and I ask the privilege of having the negro put on record. The alcohol trade or the liquor traffic refuses to be regulated, and it therefore must be destroyed. I think its attitude has largely contributed to its death unfortunately. I feel that this liquor traffic should be considered very much as a bandit, as an outlaw. The business has been outlawed in nine States—well nigh an outlaw in ten—and it seems to me that if every State in the Union decides it is an outlaw, it then becomes an outlaw national in character; and I think the Government of the United States should deal with the liquor question as a national outlaw.

I would like to call your attention to three decisions of the courts on this question, the first one a decision of the United States Supreme Court in the case of *Mugler v. Kansas* (123 U. S., 658), as follows: "It is not necessary, for the sake of justifying the State legislation now under consideration, to array the appalling statistics of misery, pauperism, and crime, which have their origin in the use or abuse of ardent spirits."

The case of *Beer Company v. Massachusetts* (97 U. S., 32): "If the public safety or the public morals require the discontinuance of any manufacture or traffic, the hand of the legislature can not be stayed from providing for its discontinuance, by any incidental inconvenience which individuals or corporations may suffer."

In the case of *Our House No. 2 v. The State* (4 Freeman (Iowa), 172), the court said: "It (the prohibitory law) seeks to promote the general welfare by prohibiting an excessive vice which is doing more to disqualify men for self-government than all other influences combined."

The Secretary of our Navy has asked for a dry Navy, and the Commissioner of Indian Affairs has asked his employees to save the Indians from the liquor curse. This now ceases to be an American question. It is an international question. Russia recently has put itself upon record as desirous of destroying the iniquitous trade, from which it has been deriving a revenue of some \$500,000,000 a year.

In the light of these facts it would seem that the United States of America, the beacon-light of the world in matters affecting progress and morals, should, without further delay, throttle this deadly enemy of God and man. As to the legal warrant for national prohibition, a few references to the many decisions of the Supreme and State courts show that you will be in harmony with the American judicial conscience.

It may be inquired, "Why not wait until all the States shall pass prohibitory constitutional amendments, when there would be no need of a national prohibitory amendment?" The answer is, "A house divided against itself will fall"; and that if the United States is to continue to be a partner in the liquor business, all the laws possible to be enacted by the States will be nullified thereby. As an economic proposition, we believe that the welfare of the people is involved; that national prohibition will largely solve the question of the high cost of living, with which statesmen are now strenuously grappling.

#### **STATEMENT OF MR. B. S. LONGACRE, SECRETARY OF THE RELIGIOUS LIBERTY ASSOCIATION OF NORTH AMERICA.**

Mr. LONGACRE. I am the national secretary of the Religious Liberty Association of North America, representing a constituency of 100,000 Seventh-day Adventists, of whom I am proud to say that every one is a total abstainer; not one is a saloon keeper. We do not come here as a church to demand this legislation, to ask you to help us enforce church discipline. We look after that ourselves; but we come here representing our church as American citizens, asking you to protect us in the unmolested enjoyment of our life, liberty, happiness, and enjoyment of our property rights, so ably set forth in the national Declaration of Independence, as well as in the Constitution, which is being molested by this terrible enemy—the liquor traffic.

I wish to add one word of testimony as a witness of how Secretary Daniels's order to the Navy is going to be nullified. A year ago last July I took a steamboat from Newport to New York. I was unable to get a berth and was obliged to sit up all night, as many ladies had to do also, and that night there were over 50 marines who came on that boat beastly drunk, and before we left the boat the next morning in New York it presented a disgraceful appearance. These men were so drunk that they could not walk from the boat; and I say that the safety and honor of our Nation can not be intrusted to men of that character, who can debauch themselves in that manner; and this order of Secretary Daniels will be nullified as long as this beverage can



be supplied and they can obtain it. Therefore we ask you to prohibit the sale of this beverage so that all national as well as State laws can be made effective.

As advocates of civil and religious freedom, we do not believe that it is inconsistent with the principles of liberty to plead for protection under the Federal law from an enemy which has no regard for human rights. The promiscuous liquor traffic has sent more men, women, and children to untimely and hopeless graves than all the devastating wars of the past. A sacrifice of thousands of lives in war has some degree of justification when it is waged in behalf of a just cause and for self-preservation; but the American saloon slaughters four times more men and women each year than there are soldiers in the entire national Army; and what are the benefits which accrue as an equivalent compensation in economic or moral value for this terrific death toll? Where, I ask, in the name of justice, are its benefits? It leaves nothing but depleted manhood and womanhood in its slimy trail. Its only product is every conceivable form of crime, debauchery, misery, sorrow, disgrace, pauperism, immorality, hopeless wretchedness, and ruin.

When our forefathers established the constitutional guaranties for individual liberty, they did not mean thereby that each and every individual could do what he chose to do, irrespective of his neighbor's equivalent rights. Then, as now, liberty did not mean a free license to injure the life, liberty, happiness, and property of our neighbors. Every individual has a divine as well as a civil right under our Constitution to do what he chooses, so long as the exercise of that right does not lead him to infringe upon the natural and equal rights of others.

But the unbridled liquor traffic impairs and destroys the life, liberty, happiness, and property of innocent victims who have no hope of protection from its merciless assaults upon them and theirs, unless the Federal Government makes good its pledge to them that it will protect them in the unmolested enjoyment of the inalienable guaranties, so nobly set forth in the National Declaration of Independence as well as in the Federal Constitution.

It has been asserted that the General Government had no right to legislate upon this question and force the wet States into submission, provided the necessary three-fourths vote of the several States adopted this resolution for national prohibition. But why not be consistent and apply the same logic to the previous acts of Congress upon other questions which have been settled by this identical mode of procedure? To deny Congress this right now would mean that Congress erred when it passed the sixteenth and seventeenth amendments; and in fact it would mean the denial of the right for Congress to enact any amendment at all. This constitutional form of legislation on the part of three-fourths of the States bringing the other one-fourth into line upon questions of national issue was one of the wisest provisions which our forefathers who founded our Republic bequeathed to their posterity. It was made so the Nation could rid itself of a great evil which might centralize itself in one locality like a plague and defy elimination and yet threaten the very vitals of the Republic.

The Federal Government has already committed itself to this character of prohibitive legislation as to what kind of food and drink

is to be furnished to its citizens. It has passed pure-food laws. It has legislated very specifically upon poisons, and what use or nonuse the manufacturers and dealers can and can not make of them. The Federal Government does not allow the citizens, manufacturers, and dealers in any of the States in the Union to engage in the promiscuous use of poisonous and injurious foods or drinks.

Science and history have both demonstrated that far more injury is done to the health, safety, and general welfare of society by intoxicating beverages than any food or drink that is handled in the public market. All foods and drinks which are considered by Congress to be injurious to the health, safety, and welfare of society are already condemned under the enabling act of Congress to exercise the police power of the State in behalf of the general public in every State in the Union. If Congress should see fit to consider alcoholic beverages injurious to the public health, safety, and welfare of society, all that would be necessary to stop the promiscuous traffic of these alcoholic beverages would be for Congress to put them under its legislative ban, as it has already done concerning other injurious foods and drinks.

But we do not ask Congress to take the responsibility in deciding this debatable question. All that we ask you to do is to refer the question back to the several States, let them decide on the referendum plan, and let the majority of the people in the majority of the States settle the issue for themselves. If it does not work well, the people will be responsible and not Congress, outside of the fact that it trusted the people.

Congress has legislated also upon the manufacture and sale of drugs and disease germs, or bacilli, and permits and forbids the promiscuous traffic and use of the articles in harmony with its own regulations; and the several States can not contravene the Federal Statutes in the manufacture and sale of these products.

The statutory reasons which are given why Congress has stepped into this domain, which is also a subject of State sovereignty, is that the abuse of the manufacture and sale of adulterated foods, drugs, and bacilli can not be abated and the general public protected with loose and conflicting statutes prevailing in the several States. For the same statutory reasons we ask Congress to undertake the same universal responsibility concerning the manufacture and sale of alcoholic beverages for selfish purposes at the enormous expense of the health, safety, and welfare of the general public, which is endangered through its unbridled traffic.

Congress authorizes the manufacture and sale of the most deadly drugs and contagious disease bacilli. Congress prescribes the most cautious regulations as to how they are to be handled and the use that is to be made of them; and all this is done for the sake and on the ground that the health, safety, and welfare of the general public ought to be fostered and protected by the Federal Government. The prime object of the central Government is to foster the physical and intellectual development of the progeny of the Nation and to protect them from degeneracy and destruction. A Nation which neglects its youths and posterity destroys its own future. If a Nation permits its money sharks and crime-producing agencies through lust and greed to demoralize and debauch its offspring by their hellish

thaffic, and does not extend a helping hand to stay the liquor monsters in their destructive work, it seals its own doom.

If a nation extends the hand to lay hold of the blood money and ill-gotten gains to replenish her own depleted coffers—depleted because of the expenditure entailed in caring and disposing of 65 per cent of its criminals (the direct resultant of the liquor traffic)—and thus enters into partnership with these alcoholic parasites, it can be truthfully said of them, as it is said of a certain species of fish and crocodile which live and feed upon their own offspring, that they live to eat and drink and produce for the sake of feeding their own stomachs.

The liquor traffic is invading the most sacred precincts of the Nation when it ruthlessly blasts the bud and flower of the Nation's future. It openly defies all local barriers of restraint and succeeds in breaking down the strongest bulwarks of the Nation; and as a last resort in our struggle, which is also your struggle, we ask your help and cooperation in this mighty conflict of six milleniums. And as Mordecai said to Queen Esther, so we say to you in modern phraseology, "For if ye altogether hold your peace at this time, then shall there enlargement and deliverance arise to the Lord's people from another place; but ye and your father's government shall be destroyed: and who knoweth whether ye are come to the kingdom for such a time as this?"

Mrs. ELLIS. Our last speaker is Mrs. Lena Messick, president of the Delaware Woman's Christian Temperance Union.

**STATEMENT OF MRS. LENA MESSICK, PRESIDENT OF THE DELAWARE WOMAN'S CHRISTIAN TEMPERANCE UNION.**

Mrs. MESSICK. Mr. Chairman and gentlemen of the committee, I come from a State the larger part of which, as you know, enjoys prohibition. You have heard about my State through my Maryland friends. I regret that they had such a tale to tell, but nevertheless it was perhaps well enough to tell it. When we voted dry in my State there were many who said that we would return to our old conditions, but we find the prohibition sentiment has grown stronger and stronger, until I am quite sure that there are but few to-day who would care to return to the old conditions.

Now it can not be denied that our temperance laws, like most other laws, are violated, but I can speak with much pride of the growing sentiment favoring the enforcement of our laws.

At the last session of our legislature we enacted the Hazel law, and we really thought in Delaware that our troubles were over, but we have found since that we were mistaken. Since my sister State of Maryland has enacted a prohibitory law we have done much rejoicing, but I am in duty bound to come to you and tell you that in order to use our best endeavors to secure our State's rights we must have the passage of a law to amend our National Constitution by which we may enforce our temperance law—to give to the State an opportunity to enforce the laws which they have enacted.

I represent 2,000 white-ribbon women in Delaware. You know Delaware is an agricultural State, and it has a strong grange with a membership of 2,500 active men and women. While we are a small State, we feel that if you will give us a chance you will know where

we stand on this question. We will be like we were in the early history of this country, we will be one of the original States, and we feel that our people will stand with us. We only ask that you give us a chance to enforce our own laws.

Mr. DINWIDDIE. I will call on Rev. Charles F. Morris, of Virginia, as the concluding speaker this afternoon.

#### STATEMENT OF REV. CHARLES F. MORRIS, OF VIRGINIA.

Mr. MORRIS. Mr. Chairman, my plea is in my face. I am here to give a little color to this occasion.

I come from a State that has recently passed an enabling act that will give the citizens of Virginia an opportunity to vote on the question in September. We have 80 out of 100 counties already dry and it is the consensus of opinion of everybody, wet and dry, that Virginia undoubtedly will pass a prohibition act for the State at the next election. The experience of our sister State of North Carolina, which is now dry, and our experience in the city of Norfolk convinces us that we are contending with a lawless power that needs the National Government to give us real protection which we must have if prohibition is going to be effective in Virginia. The National Government is the only means by which it can be protected. The National Government can stop lotteries all over the country. It can forbid its mails being used by the lotteries; it can forbid its mails being used for advertising wild-cat mining schemes.

Those things are insignificant in comparison with the harm done by the liquor traffic, and surely the National Government ought not to permit what I have seen time and time again, beer unloaded off an express car in Norfolk, another in Danville, and two in Richmond. Those are all on the same line, and those cars go down and are distributed all over North Carolina.

Last Sunday when I was going down to a church I saw the conductor of a train on the Atlantic Coast Line get off and pass half a dollar to the station agent, and I saw the station agent go in and get a couple of bottles of liquor that were wrapped up in paper and pass them to the conductor, and I saw the porter go and take them and put them in the closet.

The railroad hands on the road are practically the distributing agents of all the distilleries. No law of the State can prevent that. It takes the National Government, that absolutely prohibits lotteries, that prohibits all of these wild-cat schemes, to prohibit that sort of thing. The Government has broken up the illicit selling of liquor, so that no matter how ineffective our cities are in suppressing the liquor traffic the Government gets the tax.

An investigation now going on shows that there are 85 places in the city of Norfolk that pay a Government tax for the sale of liquor, but they pay no tax to the city. The city can be corrupted—the city is corrupted—in some way or other these people find a way to evade the city or State government, but the Government of the United States has taught liquor traffic that it can not be trifled with. They have even gone up into the inaccessible recesses of the mountains in North Carolina, Virginia, and Kentucky; but the Government will track them up there, and even at the risk of blood will run these moonshiners down and put them out of business. The Government

has the power to do that. The Government, which has control over interstate commerce, is the only power that can deal effectively with this thing, and we have no hope in the world of being protected from liquor from South Carolina and Maryland and from the District of Columbia and from New York, and every other place, even though we pass this State prohibition act, unless we are protected by the Government of the United States from having that liquor shipped into our territory.

Speaking more particularly about my own people, my people were protected before they became free. About once a year the laws were relaxed a little bit. We had practical prohibition in the South before the war. We were property then, and we were not allowed to destroy ourselves; but things relaxed a little bit during Christmas and we could get a good drunk once a year, which was looked forward to joyfully by a good many. But since the war our people have been free to destroy themselves.

I have been fighting in Norfolk at the risk of my life for the last three years to drive out whisky saloons, to free the negro people, where I am pastor of a large Baptist church; to give our young men and young women an opportunity to grow up decent and respected.

There are 1,500 negro men in the penitentiary of Virginia, 99 per cent of whom are there through the influence of liquor, which caused them to commit crime. I will venture to say that before the war there was not a crime against womanhood in the South that was committed by my race. I believe Bishop Haygood stated some years ago that there was perhaps one case in Alabama. During the war, when the chivalry of the South marched away, these black men, to the number of a million, went into the fields and fed the armies that would have been starved into submission within a year if they had not wrought there. And at night that black man came from his toil in the field and laid himself as a guard before the door of the woman that had bred his master; and during all that time not a baby was brained, not a woman was wronged in all that turbulent period, and the main reason for that was that the black man could not get liquor. With the manhood of the South away on the battlefield and liquor at the door, God only knows what red record would have been written at that time. We ask you now to free the black man from something to which he was not a slave before the war.

A colored woman had a knife driven into her breast the other day in Norfolk, and as she dropped off the knife, just before she expired, she exclaimed, "Save me, save me; don't let me die; for God's sake do something for me." And speaking in her dying words, that is the sentiment of the best-thinking element of my race, speaking through my lips to-day, save my people; don't let them die; don't let them be corrupted. From every part of the South you will hear that cry.

Whenever a saloon is driven out of the better residential districts, the residential districts of the white people, those saloons come over to the colored district. There is where we have our homes; there is where we have raised our children; and I have been fighting for three years to drive those saloons out of Norfolk.

The devil is marshaling a mighty army in this country, an army whose battle cry is rum, rum; that marches in rags; an army whose step is a stagger; in which every saloon keeper is a captain, every brewer a colonel, every distiller a general, and the devil himself is

the commander in chief. That army's drill ground is the bar, its barracks is the jail, its soldiers' home is the poorhouse, its national cemetery is the potter's field, and its headquarters is hell. The continent trembles under the tread of that army, recruited from our schools and our homes. "Attention, stagger forward," are the devil's orders, and "rum, rum, rum"—the continent trembles beneath the drunkards' feet as they march out of homes, as they march out of schools, as they march out of work, as they march through jails and penitentiaries down to the drunkard's grave and to the devil's hell. And I want to ask you to-day to use the great power that comes to you from your position to reach out and seize this vile and baleful harlot, and stamp upon her evil brow the burning symbol of her trade, and drive her out, not only from one or two or three States, but out of this grandest of Republics upon which the sun shines.

Mr. DINWIDDIE. We desire to thank you, gentlemen of the committee, in behalf of the standards that we severally represent, for the courteous attention that you have given us to-day.

The CHAIRMAN. The committee will now adjourn.

(Thereupon, at 4.08 o'clock p. m., the committee adjourned until Saturday, April 25, 1914, at 10.30 o'clock a. m.)









**AMENDMENT TO THE CONSTITUTION PROHIBITING  
INTOXICATING LIQUORS**

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**HEARINGS**

**BEFORE A**

**SUBCOMMITTEE OF THE  
COMMITTEE ON THE JUDICIARY  
UNITED STATES SENATE**

**SIXTY-THIRD CONGRESS  
SECOND SESSION**

**ON**

**S. J. RES. 88 and S. J. RES. 50**

**PROPOSING AN AMENDMENT TO THE CONSTITUTION PROHIBITING  
THE SALE, MANUFACTURE, AND IMPORTATION  
OF INTOXICATING LIQUORS**

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**PART 2**

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**APRIL 25, 1914**

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**(Printed for the use of the Committee on the Judiciary)**

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**SATURDAY, APRIL 25, 1914.**

**SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY,  
UNITED STATES SENATE,  
Washington, D. C.**

The subcommittee met at 10.30 o'clock a. m.

Present: Senators Chilton (chairman) and Borah.

The CHAIRMAN. This is the day set for hearing the opponents of the different joint resolutions concerning a proposed amendment to the Constitution of the United States establishing national prohibition. I understand Mr. Arno P. Mowitz, of Philadelphia, is in charge of the speakers. You may proceed, Mr. Mowitz.

**STATEMENT OF ARNO P. MOWITZ, ESQ., OF PHILADELPHIA,  
CHAIRMAN OF THE NATIONAL LEGISLATIVE COMMITTEE OF  
THE GERMAN-AMERICAN ALLIANCE.**

Mr. MOWITZ. Mr. Chairman, I have the honor to be here to-day in charge of a delegation of speakers who represent various interests throughout the country. Particularly, I have the honor to be the chairman of the national legislative committee of the German-American Alliance and of the executive committee of the Northeastern Saengerbund. On behalf of the speakers representing the German-American Alliance and on behalf of the speakers representing other organizations, who will present various phases of the subject, I desire to thank you for the courtesy you have extended to us in granting this hearing, and to beg your indulgence as we present the matters connected with this question, in as orderly a fashion as we can. I have been assigned the privilege of addressing the committee first and to then introduce the other speakers.

**COMMITTEE ON THE JUDICIARY.**

**CHARLES A. CULBERSON, Texas, *Chairman.***

**LEE S. OVERMAN, North Carolina.**

**WILLIAM E. CHILTON, West Virginia.**

**JAMES A. O'GORMAN, New York.**

**DUNCAN U. FLETCHER, Florida.**

**JAMES A. REED, Missouri.**

**HENRY F. ASHURST, Arizona.**

**JOHN K. SHIELDS, Tennessee.**

**THOMAS J. WALSH, Montana.**

**HOKE SMITH, Georgia.**

**CLARENCE D. CLARK, Wyoming.**

**KNUTE NELSON, Minnesota.**

**WILLIAM P. DILLINGHAM, Vermont.**

**GEORGE SUTHERLAND, Utah.**

**FRANK B. BRANDEGEE, Connecticut.**

**WILLIAM E. BORAH, Idaho.**

**ALBERT B. CUMMINS, Iowa.**

**ELIHU ROOT, New York.**

**C. W. JURNEX, *Clerk.***

**SUBCOMMITTEE ON S. J. RES. 88 AND S. J. RES. 50.**

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**E. P. BOWYER, *Assistant Clerk.***

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In view of Senator Borah's statement, at the last hearing on these joint resolutions—that in so far as he was concerned, he was principally interested in the constitutional question involved, I will address myself to that particular phase of the question as I understand it.

The subject and the purpose of the joint resolution now before this committee and the motives which no doubt led to its introduction must not be permitted to obscure the fact that it proposes a permanent and far-reaching alteration of the fundamental law and should be subjected to the gravest and closest scrutiny. It is sumptuary legislation upon a scale never before attempted in the world's history. It undertakes to solve at a blow the age-old problem of intemperance and to impose upon many millions of people of many races, climates, and environments a rigid ethical standard of individual conduct, a standard which, to very many of them, must appear not only outrageously strict but absurd. It involves the destruction of a business always recognized as lawful, with the immense amounts of property employed in that business, and the deprivation of their means of livelihood of unnumbered thousands of citizens. And all this is to be done, not experimentally, but by embodying the prohibitory enactment in the Constitution of the United States, the least mutable part of our laws.

So ambitious and radical a project can not commend itself to this committee unless it be based upon the most urgent reasons, nor unless it comes with the most substantial guaranties of its success.

Prohibition in a single State is subject to many and serious objections, and at best is a doubtful experiment. When attempt is made to apply it to the Nation all these objections apply with multiplied force, and other and insuperable objections at once present themselves.

The amendment would strike a direct blow at the cardinal principle of the Federal system of our Government. It would give to Congress powers different in their nature from anything contemplated by the Constitution. It would be the first step, and a perilously long one, toward the destruction of local self-government, and, as has been well said, would furnish a most dangerous precedent for further absorption by the National Government of powers which essentially go to make up State sovereignty, nothing being more distinctively a matter of the police power of the States than the regulation of the liquor traffic.

It is a late day in our history for the enunciation of the principles upon which our Government is founded. But when such a proposal as the present one is made, it is imperative to recall those principles too much lost sight of in these days.

One of the most eminent authorities upon our Constitution says:

In contradistinction to those governments where power is concentrated in one man, or one or more bodies of men, whose supervision and active control extends to all the objects of government within the territorial limits of the State, the American system is one of complete decentralization, the primary and vital idea of which is, that local affairs shall be managed by local authorities, and general affairs only by the central authority. It was under the control of this idea that a National Constitution was formed, under which the States, while yielding to the National Government complete and exclusive jurisdiction over external affairs, conferred upon it such powers only, in regard to matters of internal regulation, as seemed to be essential to national union, strength, and harmony, and without which the purpose in organizing the national au-

thority might have been defeated. \* \* \* The system is one which almost seems a part of the very nature of the race to which we belong. \* \* \* There are few of the general rules of constitutional law that are not more or less affected by the fact that the powers of government, instead of being concentrated in one body of men, are carefully distributed, with a view to being exercised with intelligence, economy, and facility, and as far as possible by the persons most directly and immediately interested. (Cooley's Constitutional Limitations, seventh edition, 261.)

Judge Hare, another great constitutional lawyer, points out (p. 37) that—

The States are not less essential to the Union than is the Union to the States. A country so vast, bounded by either ocean and stretching through the whole width of the Temperate Zone, can not be governed from a single center. Centralization would be not less pernicious here than it has proved in France; and if, as there is reason to apprehend, events are tending in that direction, every effort should be made to maintain the equipoise of the Constitution and avert a result that would imperil freedom.

These words, written a quarter of a century ago, are as pertinent and forceful as if written yesterday and sound a warning that should be heeded.

It is needless to call to the attention of this committee the many reasons why the Federal system was adopted by the framers of our Constitution and why that system has proved so successful in its operation for more than a century.

The former ambassador from Great Britain, Mr. Bryce, that most acute observer and critic of our institutions, remarks that—

The men of 1787, feeling the cardinal importance of anticipating and avoiding occasions of collision, sought to accomplish their object by the concurrent application of two devices. One was to restrict the functions of the National Government to the irreducible minimum of functions absolutely needed for the national welfare, so that everything else should be left to the States. \* \* \* These are fundamental principles whose soundness experience has approved, and which will deserve to be considered by those who in time to come may have in other countries to frame Federal or quasi Federal constitutions. (American Commonwealth, first edition, 318.)

He mentions the numerous arguments in favor of the Federal system, and says, among other things:

That it prevents the rise of a despotic central government, absorbing other powers, and menacing the private liberties of the citizen. \* \* \* Self-government stimulates the interest of people in the affairs of their neighborhood, sustains local political life, educates the citizen in his daily round of civic duty, teaches him that perpetual vigilance and the sacrifice of his own time and labor are the price that must be paid for individual liberty and collective prosperity. Self-government secures the good administration of local affairs by giving the inhabitants of each locality due means of overseeing the conduct of their business. \* \* \* Where other things are equal, the more power is given to the units which compose the nation, be they large or small, and the loss to the nation as a whole and to its central authority, so much the fuller will be the liberties and so much greater the energy of the individuals who compose the people. \* \* \* Federalism enables a people to try experiments in legislation and administration which could not safely be tried in a large centralized country. A comparatively small commonwealth, like an American State, easily makes and unmakes its laws; mistakes are not serious, for they are soon corrected; other States profit by the experience of a law or a method which has worked well or ill in the State that has tried it. \* \* \* Federalism, by creating many local legislatures with wide powers, relieves the national legislature of the large mass of functions which might otherwise prove too heavy for it. Thus business is more promptly dispatched, and the great central council of the nation has time to deliberate on those questions which most nearly touch the whole country. All of these arguments recommending federalism have proved valid in American experience.



Both Congress and the people of the United States should fully realize that the abandonment of the Federal principle and the adoption of the policy of centralization are involved in the present attack upon the whole theory of our Constitution. Prohibition is but one subject, though it would be difficult to conceive of one of more vital importance. And not merely immediate consequences, but the ultimate effects of so perilous a precedent must be considered.

Again, the successful operation of our Constitution has been in great part due to its flexibility—to the fact that its provisions are confined to a statement of the fundamental elements of the frame of government. It can hardly be disputed that in so far as a constitution attempts to set forth specific legislative provisions it is bad. The proposed amendment would be just such a provision, a peculiarly unwise one, and out of harmony with the whole scheme of the instrument.

Powerful, indeed, must be the arguments which could lead to so radical a departure from the plan of our Government. And even if it could be admitted that any such arguments exist, nevertheless the proposed amendment should unhesitatingly be rejected.

Prohibition in the individual States must, upon the testimony of all unbiased observers, be pronounced a distinct failure. It has been tried in all the New England States and abandoned by all of them except Maine, where it persists, in name a law, in fact a notorious scandal and mockery. "Portland is one of the most drunken places in America—a fact confirmed by many observers." (*Encyclopedia Britannica*, 11th ed., Vol. XXVI, p. 586.)

I note with considerable interest in the report of the hearing given the proponents of this amendment a letter written by one of their number, who unfortunately has since deceased, praying for the adoption of this amendment. In view of the testimony regarding the State of Maine, I do not wonder at the fervor of her letter. She lived in the city of Portland, Me., and although Maine is a prohibition State, or at least has a prohibition law, she could very well afford to write such a letter, because Portland, Me., is the most drunken city in the Union.

It has also been tried and abandoned in Illinois, Indiana, Nebraska, South Dakota, and Iowa. In short, in every instance, except that of Maine, where State-wide prohibition has been in force long enough to give it a real test, it has been found wanting and the State has returned to the license, or the taxing system, or to local option.

No more impartial study of the liquor question has ever been made than that conducted under the supervision of the committee of fifty, a body composed of such men as President Eliot, of Harvard, President Low, of Columbia, several eminent clergymen, and other representative citizens. In their report (*The Liquor Problem*, Houghton, Mifflin & Co., 1897) it is said (pp. 130–131, 135–136) :

The prohibition experiment has probably never had a fairer test nor under more favorable conditions than in Iowa. It is an agricultural State with no large cities. \* \* \* The population is mainly Puritan by descent, with inherited Puritan habits and traditions. Public sentiment is, and has been from an early day, strongly opposed to intemperance. None of the surrounding States, with the possible exception of Missouri, has had so small a percentage of foreign immigrants. \* \* \* The cause of prohibition has had besides the inestimable advantage of an alliance, offensive and defensive, with the political party in power. More than that, it was for years the dominant faction in that

party, dictating its platform and controlling its legislation in opposition to the liquor interest. It held this vantage ground for 10 years, a period long enough to demonstrate the wisdom or folly of the attempt to restrain an animal appetite by law. The end was defeat. \* \* \* I find it quite impossible to formulate a thoroughly satisfactory answer to the question what prohibition in Iowa accomplished, and especially what effect it had to increase or diminish the actual consumption of liquor. \* \* \* The quality of the liquor drunk deteriorated under the law; and not only the resident population but the traveling public was educated under its influence in the habit of purchasing liquor at the drug stores in preference to the saloons and to drink in private. This custom still prevails. That public drinking fell off is not denied, but it is asserted that private drinking, to an equal or greater extent, took its place.

In the same report it is stated that while all restrictions on the sale of liquor have a tendency to develop illicit selling, much experience has proved that this only assumes large proportions in regions where prohibition prevails. It can not reach a large development by the side of licensed selling. And this, it may be added, is largely due to the fact that the licensed dealers are themselves interested in the suppression of the unlawful traffic.

The same investigators remark upon the impossibility of obtaining convictions for violations of prohibitory laws where the penalties imposed by the laws are severe enough to stop the sale of liquors. Where mere small fines are imposed there may be convictions, but they do not deter the continuance of the business. The inferior and harmful character of the liquors surreptitiously sold in prohibition territory and the substitution of spirituous liquors for the milder malt liquors are also facts noted by all observers.

The many political evils arising from the attempt to enforce prohibitory laws against the sentiment of a majority, or even a considerable minority, of the people are notorious. To say nothing of the corruption of officials, the effect upon the character of private individuals is demoralizing to the last extent. Perjury becomes an everyday matter. A judge of the Supreme Court of Maine has been quoted as saying: "It is a question whether the prohibitory law makes more hypocrites or more drunkards."

Even more serious in its permanent effects is the spectacle of a law unenforced. As ex-President Taft has well said:

There is nothing more ridiculous and more opposed to sound politics than to enact laws the observance of which can not be enforced in the social conditions of the country. \* \* \* Such an example is sometimes afforded by the sumptuary laws forbidding the sale of intoxicants. \* \* \* The constant violation or neglect of the law leads to demoralization and disregard of all law. (Four Aspects of Civic Duty.)

And, as remarked by the committee of fifty (pp. 6, 7):

Experience with prohibition has brought into clear relief that sumptuary legislation which is not supported by public sentiment is apt to prove locally impotent or worse. On this fact are based the numerous kinds of liquor legislation which may be grouped under the name of local option.

If these difficulties of enforcement have rendered prohibition impracticable in the States, how can it be expected that in the vast expanse of the Nation, with its widely varying populations and circumstances, a law imposed upon the people from the outside, in many instances against the expressed wishes of a large majority of the voters of the particular State or municipality, can be successfully put into operation?

Can it be doubted that all over the country illicit manufactories of liquors, unregulated and producing the most pernicious forms of intoxicants, adulterated and poisonous, would spring up? Can it be doubted that all along the frontiers and at every obscure harbor on the coasts spirituous liquors would be smuggled in?

If the effects of the existence of a State prohibition law, unenforced and openly flouted, have been so pernicious, what is to be expected from a situation where, not merely an act of Congress, but a part of the Constitution of the United States, the "supreme law of the land," will be set at naught, as it surely will be unless all past experience as to the working of prohibition laws shall be falsified?

What reasons adduced by the advocates of the joint resolution are so weighty as to justify the Nation in embarking upon so perilous a course to so doubtful a destination?

Nor have all the objections to the amendment been stated.

The plan necessarily involves the destroying or rendering worthless of property to the value of many millions of dollars, without any suggestion that any compensation is to be made therefor. One of the greatest industries of the country is to be swept out of existence in order to accomplish a supposed moral reform—a purpose which must fail, and which, even could it succeed, could not justify an act so gigantically immoral and so opposed to the fundamental principles of free government. Should this measure be adopted, the fifth amendment to the Constitution ought also to be amended so as to read: "No person (except liquor dealers, manufacturers, importers, and users) shall be \* \* \* deprived of liberty or property without due process of law, nor shall private property (except that of liquor dealers, manufacturers, and importers) be taken for public use without just compensation."

In brief, this amendment would be an exercise by the Federal Government of the police power clearly and wisely vested in the States, and an exercise of the most extreme and revolutionary character, with nothing in either the existing circumstances or in the probable results to justify it in any degree.

Not only the property of citizens of this country would be affected. Enormous sums, the property of citizens of other countries, are invested here in the manufacture of liquors. The governments to which these persons owe allegiance can scarcely be expected to see, without vigorous protest and demand for indemnity, the sweeping away of this property. Especially will this be true in view of the attitude taken by the Government of the United States on former occasions, as in the instance of the Japanese tobacco monopoly and the proposed German oil monopoly.

Again, the exportation to the United States from several countries, particularly France, Italy, and Germany, of wines and other liquors, forms a very important item of their foreign trade. Will those countries fail to reciprocate for the exclusion of their manufactures from this country by imposing heavy burdens upon our trade with them? And can they be blamed if they do so?

Besides this confiscation of private property, there is another aspect of the proposed amendment even more serious. To forbid the people to engage in the business of manufacturing, selling, or importing liquors is to forbid them to use liquors, and this is an unwarrantable

interference with the liberty of the individual. And that is the purpose of the amendment, however short of such a result it will, in the light of experience, surely fall.

As Dr. Lyman Abbott has said:

The total abstainer has a right to demand that the saloon shall not be maintained as a public nuisance; and the German beer drinker has a right to demand that he shall not be banished to the milk and the soda-water fountain. \* \* \* Is it right to drink wine and beer? It is right for each individual to decide that question for himself and for the commonwealth to put such regulations on the sale of wine and beer, and only such, as are necessary to prevent popular excesses and public disorder. In brief, in a community where religious ideas differ, religious nonconformity, with protection of the common right of all, has been found to be the solution. In a community in which ethical ideas differ, ethical nonconformity, with protection of the rights of all, will be found the solution. It is the only solution possible in a self-governing community.

An eminent authority on the liquor question (*Encyclopedia Britannica*, 11th ed., vol. 26, p. 590) says:

The absolute condemnation of alcoholic drinks has never been indorsed by public opinion or by the medical profession, because it is contradicted by their general experience. That many persons are better without any alcohol and that many men would be better if they took less than they do, is undeniable; but it is equally true that many derive benefit from a moderate amount of it. \* \* \* Attempts to support the case for abolishing the use of alcoholic liquors by denying them any value and by attributing to them effects which spring from many other causes do not carry conviction or advance the cause of temperance. A much stronger argument lies in the difficulty of drawing a definite line between use and abuse; they tend to merge into one another, and it may be urged that the evils of the latter are sufficient ground to justify the abandonment of the former. But the use of most things is open to the same objection, and mankind at large has never consented to forego the gratification of a natural appetite because it is liable to abuse. Nor is there any sign of an intention to make an exception in favor of alcohol. \* \* \* There is a line between use and abuse, and every one really knows where it is in his own case. If he can not draw it, let him abstain, as Dr. Johnson did for that reason. But society can do much to assist the individual by inculcating moderation, setting a standard, promoting its maintenance by helpful environment, discouraging excess, and diminishing temptation. All the evidence points to these means as the effective agents in securing the improvement which has taken place in Great Britain.

In this connection, Mr. Chairman, I would like to call attention to a thought which struck me this morning when I came into this room and glanced around me. I think that if the good people who want to impose their ideas as to temperance and prohibition upon the rest of the country will take the trouble to set to work on what has been termed the monarchical socialism of Germany, meaning improvements in labor conditions, improvements in housing and living conditions, and would try to introduce those methods here, they would find that the solution of this problem lies along those lines and not along the lines of driving men to crime and deceit, which would be the case if this amendment were adopted.

I have had experience for many years before legislative bodies advocating better housing laws and laws to establish better labor conditions. I have been, in a measure, instrumental in putting upon the statute books child-labor laws and laws improving labor conditions of women, particularly in my own State of Pennsylvania; and we have put those ideas into effect in our mills and they have worked successfully. From a recent investigation which resulted in a new

housing law for cities of the first class in Pennsylvania, I am convinced that the solution of the problem lies in improving the working and living conditions of the people along sensible and reasonable lines. You can not drive a man into temperance, you can not drive him into prohibition, but you can lead him there. You can lead men into temperance, and we have found it so experimentally, and I think if the working environments are improved you will find that education and time alone will bring about a solution of the problem on which these people are now wasting their efforts in misdirected zeal.

The committee of fifty, in discussing the conditions in Iowa under the prohibitory law, says (pp. 131-132) :

The fundamental obstacle to success was the difficulty of finding a solid ethical basis for the movement. When a political party formulates a declaration of principles and starts out, as the State temperance convention of 1885 did, with the bald assertion that "the manufacture and sale of intoxicating liquors as a beverage is a crime per se." it not only contradicts every established principle of law, but shocks the sentiment of justice, which can not accept the doctrine thus enunciated without including in the same sweeping denunciation the man who buys as well as the man who sells wine or beer. If the movement, on the contrary, had been founded upon the doctrine that the State, in the exercise of its police powers, has the right to suppress the liquor traffic, and that its suppression is expedient upon the ground of public policy, its partisans would have made, what seemed to many of them, a fatal concession. Moderate men in the prohibition ranks explained that they aimed at nothing more than the closing of dramshops. They did not propose to deprive sober citizens of mature age of the right to regulate their diet. The attempt, however, to make and enforce a statutory rule broad enough to cover the case of the drunkard, and yet allow for the necessary exceptions, involved such inconsistency as to render the rule practically of little effect, and if it has been found that State governments can not properly regulate the affairs of the counties and municipalities within their limits in this regard, how much less can it be expected that the Federal Government can properly regulate them?

Apart from all the considerations already mentioned, and upon an entirely different plane, there is an objection to the amendment of a very serious practical character. During the fiscal year ending June 30, 1913, the United States derived from the internal-revenue tax upon malt and distilled liquors over \$222,000,000. This takes no account of the custom duties upon imported liquors. When it is remembered that, besides the loss of this revenue, the other side of the balance sheet will inevitably show largely increased governmental expenditures in the attempted enforcement of national prohibition, the figures, in themselves, furnish ample reason for rejecting the proposition, and especially at a time like the present when the Nation is involved in an undertaking that may necessitate the expenditure of many millions of dollars beyond its ordinary expenses.

State option already exists under the Webb-Kenyon act of 1913, in reporting upon which the Judiciary Committee of the House of Representatives said :

The bill might well be styled a local-option act to give the various States the power to control the liquor traffic as to them may seem best.

It is submitted, then, that the power to regulate or prohibit the liquor traffic is fully vested in the States, to whom it properly belongs, and who alone can efficiently exercise it. When a majority of the voters of a State desire to try the experiment of prohibition they can do so. Without the consent of a majority in a State, it would

be manifestly unjust and practically impossible to force prohibition upon them.

The proposal to involve the United States in a dubious and unnecessary experiment, embodying that experiment in the fundamental law, in the face of the many grave objections pointed out and of the certain dangers to the liberty of the citizens and to the stability of our Government, should be rejected before it has gone further, and the pending joint resolution should be reported back to the Senate with a negative recommendation.

Mr. Chairman, I now desire to introduce as the next speaker Hon. Simon Wolf, of Washington, D. C., who, with us, represents the German-American Alliance, the Jewish-American Congregations, and the Independent Order of B'nai B'rith.

The CHAIRMAN. We will be glad to hear Mr. Wolf.

**STATEMENT OF HON. SIMON WOLF, OF WASHINGTON, D. C., REPRESENTING THE GERMAN-AMERICAN ALLIANCE, THE JEWISH-AMERICAN CONGREGATIONS, AND THE INDEPENDENT ORDER OF B'NAI B'RITH.**

Mr. WOLF. Mr. Chairman, I thank you for permitting me to address you at this time. I am sorry that an acute attack of lumbago will not permit me to present my views on this question in as full and complete a manner as I would desire, but I will try as best I can to present my ideas in brief form on a subject to which I have given more or less time and to which I have devoted a great deal of interest for more than 50 years.

I thank you for the privilege and courtesy of being permitted to appear in opposition to the joint resolution pending before you, which, if it should be enacted into law, would mean nation-wide prohibition. I wish it distinctly understood that I am not here as the representative of any liquor interest, national or local, wholesale or retail, but solely as a citizen of the United States who has been delegated by other American citizens to represent them at this hearing. These other citizens are members of various civic organizations, who are banded together for mutual improvement, intellectual and moral progress, and to strive for a continuance of the principles of the Republic on the lines of humanity and the enjoyment of rational, sane, and personal liberty.

These organizations are, first, the German-American National Alliance, with a membership of 2,000,000, scattered in every part of the United States, and which is represented here by its national officers, who will in a more extended form present to you their reasons for being opposed to this contemplated legislation; second, the Jewish-American Congregations; and, third, the Independent Order of B'nai B'rith, a national and international body. All of these organizations represent an American citizenship that can not be questioned, although to a large extent, either by birth or by adoption, of the immigrant class, that staunch body of American citizens who have enriched the United States with their brawn, brain, integrity, sobriety, and all the elements that constitute the very backbone of American citizenship, and whose ancestors have fought from the days of the American Revolution up to the present for the main-

tenance of the Republic and the perpetuation of its noble institutions, and who are firm believers in the priceless inheritance of personal liberty for which they fought, not only in the land of their birth, but also in that of their adoption.

These men and the women of their families are law-abiding, with high moral purposes, who do not countenance crime in any direction, but do claim that the enactment of prohibitory laws do not constitute reform.

Laws are made to punish, but can never prevent wrong. In fact, the enforced dictum of the law in attempting to prevent the enjoyment of natural rights leads to the violation thereof, and encourages perjury, hypocrisy; and in trying to prevent drunkenness by regulation will increase the number of drunkards. To bring about a condition of true temperance not only in the habit of drink, but in all other directions inimical to the health of the individual or to the prosperity of the Nation, education in the home, in the churches, is absolutely essential and necessary.

Some years ago when my son, who is now a justice of the Supreme Court of Porto Rico, was a young lad, I had him accompany me when I went out to luncheon; I always asked him whether he cared to take something to drink when he saw me take a glass of light wine or beer, and thus I dealt with him openly and frankly, with the result that he is thoroughly temperate; and that constitutes education.

I was born in Germany, of Jewish faith, and am thoroughly conversant with the history and habits of both. In the 78 years of my life I have never seen a drunken Jew, not because we claim superiority as men or women by virtue of our nationality, but because our religion, our education, our home training, point to temperate habits in all things, in judgment no less; and therefore laws to compel unnatural obedience is virtually intemperance of the worst kind. Indeed, I am justified in stating that the founder of the Protestant religion, the high priest of liberal, modern thought, no less a man than Martin Luther, said "He who does not love wine, women, and song remains a fool all his life long."

Some of the great evils of this Nation incident to intemperance are, properly speaking, the barroom as now constituted and the treating system, which has become, unfortunately, a national habit. If there could be adopted in this country the continental system of having wine rooms where men, women, and children could congregate, read the newspapers or magazines, discuss current matters of interest, and drink their glass of light wine or beer, it would result in a reform in the right direction and be productive of the very best results, individually and nationally.

I remember well when the late Vice President of the United States, Henry Wilson, who was a sincere prohibitionist, returned from a trip to Germany and told me that his views had been entirely changed by his observations and experiences while abroad, and that he wished that the same custom that existed there in regard to drinking could be introduced here. It would strengthen the aims and objects of the people who believe in temperance and yet not in absolute prohibition.

The church, with all its splendid chances for improving the moral and religious conditions, and the home circle, should be the proper places for advancing the moral status of the individual; and is it not

deplorable to contemplate that a portion of the Protestant Church virtually declares that it has proven a failure in this particular when it calls to its aid the National Legislature to help by law where they by moral example have failed?

While serving as a representative of our Government in Egypt, I became profoundly impressed with the absence of the drinking habit on the part of the Mohammedans, not by virtue of law but by that of their religion; and I feel confident that had the ancient Egyptians or the Jews placed on their statute books laws to prevent the manufacturing or drinking of liquor it would have resulted in a reversal of that which now exists; and this same condition can be produced in this country by temperate and moderate laws and the education of the masses and the wishes of those who live in the respective vicinities of the towns, cities, and States of the Republic.

Local option, of which I understand President Wilson has declared himself in favor, would be one of the panaceas in the right direction, for after all this is a Government of the people, and no man should be deprived of the rights accorded to him by the Declaration of Independence or by the dictation of any church or any body of men and women who have contrary views. To change the Constitution of the United States by the enactment of any such law as is contemplated by the joint resolution now pending before your honorable committee is in violation of the rights of the individual States, and it was never contemplated by the fathers of the Republic that the Government of the United States should legislate on a subject that is purely local, municipal, and not national.

It has been the experience of ages that prohibition does not prohibit. Men, after all, are nothing but grown-up children. Place a toy on the shelf above the reach of the child, and it will do everything, even at the expense of life, to reach that coveted article; and so men, when their rights to the enjoyment of anything are denied and their common sense practically strangled, rebel, and seek by illegal means to accomplish what they would never have dreamed of doing had they not been driven into this spirit of rebellion by sumptuary legislation. In national prohibition, will it prevent the making of cider, of applejack, or any kindred decoctions that the ingenuity of man has devised, and are any of them less intoxicant? Would not every home practically become a still and the illicit traffic become a greater menace, without any compensation to the Government? On the contrary, a legion of secret-service men would have to be employed who would scour the country in trying to discover the unfortunate maker of that which has constituted a favorite drink among millions of men.

Does anyone suppose that the recent order of Secretary Daniels, which no doubt was inspired by lofty considerations, will bring about the reform contemplated? Does not everyone know that the abolition of the canteen has resulted in more drunkenness in the Army than ever before? Laws and orders to be effective must be based on common sense and the respect men will show either in obeying or evading them.

I remember well some years ago, when William E. Chandler was Secretary of the Navy, complaint was made about women being on board the ships, and he made an order that none of the wives of the captains or officers should accompany them. The captain of one of



the ships wrote a letter to the Secretary stating that he had given an order to prevent his wife from joining him, and that she disobeyed him; that he was powerless to enforce his order and appealed to him to have it done. The result was that the order was canceled, for it was absurd on its very face. I also remember that some years ago, in Georgia, they had a law that no cotton could be sold after 5 o'clock in the afternoon, for the reason that some of the farmers would use the money for drink instead of taking it home to their family. There was such a general outcry over the invasion of personal rights that the law was soon abandoned.

It is not the use of anything, but the abuse that constitutes the gravaman. Have any of my good lady friends, for whom I have the highest respect not only as a man but as an American, taken up the subject that now constitutes the greatest immorality of the age—the dress of their own sex? And yet, would anyone dare to advocate the abolition of women in consequence of a number of them being giddy? Has anyone ever contemplated the condition of society at large; in other words, that if all men were good by nature or by habit the church itself would be obsolete and not essential, and yet is anyone in favor of the abolition of the bedrock of civilization, the church? And again, is not the demand of the good men and women who advocate this resolution associating the church and state, which demand is foreign to the undying principles of the Republic, for the right of conscience is coincident with the right of personal liberty?

You ought not, gentlemen of the committee, to be swayed from your intellectual moorings by the eloquent phrases spoken by the honorable Senator from Texas. Sentiment is a grand thing, emotions equally essential; but when this eloquence and emotion come in clash with strong facts and with the reasoning powers of the individual, they go as glittering generalities and fail of their effect.

There is also an economic question involved, which should give pause to every legislator and to every voter. This subject, of course, will be treated at length by the labor unions who are largely interested in protecting and caring for the members of their organizations, thousands of whom would be deprived of labor. There are millions of agriculturists who are benefited in selling their products which enter into the manufacture of liquor, whose income naturally would be lessened and whose taxes by virtue of a deficiency in the United States and State and city treasuries would be increased. Again, it is beyond contradiction that all sumptuary legislation has not lessened drinking, but what has changed is public sentiment along the lines of moderation, of education, and in consequence of the manufacturing of light wines from California and the brewing of light beer.

Another important educational factor is to see that the manufacturing of stimulants be pure and undefiled. There is no reason in the world why whisky, beer, and wine should not be as pure as those decoctions that are not looked upon as intoxicating. In other words, prohibitory laws makes a nation of liars, as was proven to me in several of the cities of Maine, where I have been in the habit of visiting for the last few years during the summer, and one laughable incident is to the point. In Portland, Me., one of my friends who was with me wanted to try the strength of the law, and asked the man

who was seated at the corner whether he could tell him where he could get a drink. The man had a cork leg, and said he would show him, and took him to the rear of the house, unscrewed his cork leg, and took out a bottle of whisky. Laughable, but perfectly natural as a result of unnatural laws.

The best proof of the argument I have advanced as to education and public sentiment is the fact that in the last 20 years drunkenness has decreased visibly, except in the prohibition States; that in the railroad service, in the Government service, in the commercial and financial walks of life, only such persons as are sober and steady are employed or can secure employment, not by virtue of any prohibitory laws, but because of public opinion.

We all remember the celebrated answer of Abraham Lincoln when a committee of clergymen called on him and demanded the dismissal of Gen. Grant because he drank. Lincoln replied in his wonderful humorous way, "Where does Grant buy his whisky, for I would like to get some of it and send it to the other generals?"

The State of Georgia, as I know by experience, has enacted prohibitory laws, yet in every city of that State you can get all the drink you wish. Thus, while laws have been made, public sentiment pays no attention. Some years ago when in the city of Savannah a representative to a meeting of a national body asked a policeman where he could get a drink. He said he would show him. In walking along in front of a Catholic cathedral he stopped and said, "This is about the only place in Savannah where you can not get a drink." Sentiment is a grand illuminating adjective, but facts and experience can not be argued away, and they will stand against all opposition and all preaching.

When in the South lately I was credibly informed that some of the southern States are in favor of prohibition, not because they are not in favor of taking a mint julep at times or a little bourbon straight, but because their opposition is based on the fear of the negro element; a wonderful commentary when the white man has to be disfranchised because a certain portion of the negro element does not know how to behave.

The German societies of this city, associated together in what is called a central union, comprise 27 organizations, who are allied together for fraternal, intellectual, and social purposes. They are men of high standing and character and are presided over by Mr. Martin Wiegand, who is also the president of the German orphan asylum of this city. This body of representative American citizens of the District of Columbia solemnly protest against the passage of any prohibitory legislation whatsoever, whether local or national.

Therefore, representing the organizations already named, and confident that I am voicing the sentiments of millions of other Americans whose sole aim and object is for the betterment of education on the lines of common sense and sanity, I trust that this committee will not recommend the change in the Constitution of the United States, but leave the subject where it properly belongs, to the respective States, counties, townships, cities, and towns, which, after all, constitutes the inalienable right of the American citizen. I reiterate in the strongest terms possible that all the efforts of my life have been for the strengthening of the ties of kinship between nationalities and creeds; that no man has a higher respect for the opinions of others

than myself; no man has a greater and sincerer admiration for the teachings and doctrines of the Christian religion; and it is by virtue of this respect I have for the rights of others that I demand the same high privilege for myself and the millions of citizens whom I have the honor to represent.

Mr. Mowitz. Mr. Chairman, I believe you will credit the statement when I say it is not only the men of our class who have come here to oppose such a movement as this, but that we have our women-folks in the same opposition movement. Possibly it may be unfortunate for our side of the question at this time that our womenfolks are engaged at home in the occupation of caring for their families, and, with the exception of a few who live near-by, have not the time to come here and address you on this question. And I believe you will also credit the statement, Mr. Chairman, when I say that, if necessary, we could fill this building with good, motherly women who would protest against any such legislation as this proposed amendment.

But we are fortunate to-day in being able to present to you a lady who has taken a great interest in this movement, who is prominent throughout the German-American organizations, and who will give voice to the sentiment of the German-American women, especially of Maryland, and also of all German-American women allied with the National German-American Alliance and other kindred organizations.

I take great pleasure in presenting to you at this time Mrs. Carrie Fischer, of Baltimore, Md., representing the women's branch of the German-American Alliance.

The CHAIRMAN. We will be glad to hear Mrs. Fischer.

**STATEMENT OF MRS. CARRIE FISCHER, OF BALTIMORE, MD., REPRESENTING THE WOMEN'S BRANCH OF THE GERMAN-AMERICAN ALLIANCE.**

Mrs. FISCHER. Mr. Chairman and members of the Committee on the Judiciary, in behalf of the German-American women of Maryland I am here to offer protest against the proposed joint resolution known as Senate joint resolution 88.

We have appeared before you on a similar mission and will come again and again, as often as it may be necessary, to raise our voices in offering opposition to a law we feel can not be for the best of our country or our individual home life. We do not believe in the principle of prohibition, and therefore do not desire it.

I have always understood that in prohibition towns and States liquor is accessible to those who crave it, and that the basest and strongest kind of drink is secretly but freely sold in one form or another.

What we most dread will be the natural issue, if such stringent law be imposed upon us. Misdirected zeal and fanatical measures may aid the cause of prohibition, but they will never set an ethical standard, because, inadvertently, they will effect the establishing of a widespread and enormous traffic in the secret distribution of the most harmful kind of liquors, fostering hypocrisy, undermining morality, and degrading manhood.

As women we fear the lawlessness which accompanies like conditions. We believe it would be detrimental to the interest and welfare of any community to have such conditions prevail, and therefore, gentlemen of the committee, we earnestly beg of you to oppose this bill.

Mr. MOWITZ. Mr. Chairman, I will introduce as the next speaker Mr. Albert L. Fankhanel, of Baltimore, Md., president of the Maryland State branch of the German-American Alliance.

The CHAIRMAN. We will be glad to hear Mr. Fankhanel at this time.

**STATEMENT OF MR. ALBERT FANKHANEL, OF BALTIMORE, MD.,  
PRESIDENT OF THE MARYLAND STATE BRANCH OF THE GERMAN-AMERICAN ALLIANCE.**

Mr. FANKHANEL. Mr. Chairman, the Independent Citizens' Union of Maryland, which I have the honor to represent to-day, and which is the Maryland State branch of the German-American Alliance, emphatically protests against the resolution under discussion, which is known as Senate joint resolution 88.

The union is composed of about 10,000 reputable citizens of Maryland and of the United States. Its membership comprises physicians, preachers, bankers, merchants, manufacturers, artisans; in fact, men of all pursuits and occupations. Our organization is not affiliated with the liquor interests, but is taking an active part in all matters concerning the public welfare. It may be stated that in support of our protest we have ready for presentation to Congress a petition signed by about 10,000 Maryland citizens.

The pending joint resolution has attracted our attention. It has been carefully considered, and we have come to the conclusion that, whilst the prohibitory legislation as proposed would hardly remedy any of the evils which its advocates complain of, it would certainly cause incalculable injury to certain industries and harm to many trades which are directly or indirectly connected. Furthermore, the hardships which would be inflicted upon the hundreds of thousands of employees who would be thrown out of work and deprived of their subsistence, and the consequent suffering of their families, is beyond reckoning.

Moreover, is it justifiable to close up establishments all over the country in which hundreds of millions of dollars have been invested, thereby rendering the property unproductive, without reimbursing the owners for their loss?

New laws, we respectfully submit, should only be enacted to protect, not to destroy or diminish, the usefulness and value of property which, under present conditions, is utilized for a legitimate business, unless provision is made to indemnify the holder of such property for losses sustained by reason of such laws.

Another serious objection to prohibition is its infringement on personal freedom. The mere fact that there are people who have never been taught moderation, and who have lost control over themselves by excessive drink, does not justify the curtailment by law of the individual rights and privileges of decent citizens.

More than this, the enormous loss in revenue due to country-wide prohibition would most seriously affect the national funds and the income of almost every State and municipality. Burdensome taxation would become an imperative necessity.

The assertion that prohibition will reduce destitution and crime and that the saving in cost of maintaining poorhouses, charitable and penal institutions will more than make up for the loss in revenue is certainly unsound when we think of the army of unfortunates who would lose their employment and who would need our help.

It is not for me to discuss the motives leading to the introduction of the pending resolution, but the statement that exact scientific research has demonstrated the need for such measure makes one wonder why the parliaments of England, Germany, and France should remain so impassive.

Either the correctness of that statement is not generally acknowledged or the feasibility of legislating men of detestable habits and vicious disposition into good lawabiding citizens is doubted. It is not mere presumption, but generally conceded that prohibition, even national prohibition, will not stop the use of intoxicating beverages. It so happens that under section 2 of the proposed amendment alcoholic liquors may be obtained for various purposes, and it is likely that drug stores by dispensing liquors for medicinal purposes would gain considerable trade and popularity.

Of course, there are other means to obtain intoxicants. With the use of corn or potatoes, grapes or other fruits, it will not require much to produce them, and people bent on drink will be able to provide themselves.

This shows that prohibition is rather ineffective in its main point. It is safe to say that by good example and the teaching of temperance to our children and young men, by good reasoning and proper guidance, much more will be accomplished than by all the prohibitory legislation. No matter what may be said in favor of the pending resolution and proposed amendment, no matter how good the intentions of its advocates may be, the dreadful suffering into which so many of our fellow citizens would inadvertently be drawn overshadows all the good that could possibly be achieved.

Much as we despise drunkenness, much as we deplore its awful consequences, and as anxious as we are to join in any movement with a view to remedy such a far-reaching evil, we can not agree with the prohibitionists, for, with the word of the philosopher, we say, "Whatever is against right reason, that no faith can oblige us to believe."

Mr. Mowritz. Mr. Chairman, while sitting here the thought occurred to me that perhaps this amendment which is now before this committee does not go far enough. We say and we believe, and it is true, that we represent absolutely no selfish interests in this matter, appearing here solely as disinterested parties from a financial or business standpoint, our basis and principle being that of personal liberty. But apropos of the argument just made, the suggestion has been thrown out, that in case such an amendment as this were adopted, the fifth amendment to the Constitution ought also to be amended to read something like this: "No person (except liquor dealers, manufacturers, importers, and users) shall be \* \* \* deprived of liberty or property, without due process of law, nor shall

private property (except that of liquor dealers, manufacturers, and importers) be taken for public use, without just compensation."

Another thought which has been suggested in this connection was that this amendment if adopted might have still further consequences. I have in mind the position taken by this Government in regard to the tobacco monopoly in Japan and the proposed oil monopoly in Germany, when this country made a protest because of the confiscation of the property of our citizens; and so it might be said by other countries on behalf of their citizens who have invested large sums of money in industrial enterprises in this country and who would be directly affected by this legislation.

Senator BORAH. With reference to the suggestion which you made first as to a change in the fifth amendment to the Federal Constitution, has not our United States Supreme Court put the liquor traffic upon a different basis, recognizing that it is largely in a class by itself?

Mr. MOWITZ. I believe it has. I say that that thought is not my thought, but it has some basis on this ground. I believe that so far as State rights are concerned, the business is licensed by the individual States, and that license can be withdrawn for cause, or at the expiration of the term of the license there may be a refusal to renew, and there would be no redress.

Senator BORAH. I suppose your people concede that the liquor traffic should be controlled; you do not believe in turning it loose to run as it would. It must be dealt with by law in some way?

Mr. MOWITZ. Absolutely not.

Senator BORAH. What is your view as to how it should be controlled?

Mr. MOWITZ. Our view is that it is a matter of State concern. Bring it back to the States. We believe that a proper regulation, such as exists in Pennsylvania, for instance, with the Brooks high-license law, which is different from a taxing law in that under the former it becomes a question of fact whether a necessity exists in a particular locality for a license, is a good thing. We believe our judiciary is above reproach—certainly in Philadelphia—and we believe they do and will continue to fairly interpret such a law. Our last license court sat for two weeks and heard innumerable applications for new licenses, heard objections, and refused all new applications. They did that because they said there was a sufficiency of saloons in Philadelphia and therefore no necessity for additional ones. There was no criticism of this action by anyone.

We believe that a regulation such as ours is a good regulation, and, as I said before, if, in addition, we would adopt in this country a system such as the system which has been adopted in Germany, which has been styled "monarchical socialism," and get it in good working order here, devoting as much time and attention to getting results from it as the prohibitionists are devoting to their propaganda with the force they have, I believe you will solve the problem. It seems to me that the old saying, "You can lead a horse to water, but you can not make him drink" is applicable in the case of man. We believe that the traffic in liquor should be regulated, and it is regulated in our State of Pennsylvania and well regulated, and there is no reason why it should not be regulated in other States equally as well. When we view the situation in a prohibition State like Maine and

find that the city of Portland in that State is the most drunken city in the world, we see very clearly the ineffectiveness of a prohibition law.

Senator BORAH. Your opponents use that as a strong argument in favor of national prohibition.

Mr. MOWITZ. Have you not given them all the rights they want under the Webb-Kenyon law to keep liquor out of the State?

Senator BORAH. That would be something, if it is effective. I am simply throwing this out for your consideration. The argument which they advance upon that proposition is that Portland is made that way because it can not protect itself against the encroachments of people outside the State.

Mr. MOWITZ. If the Webb-Kenyon law is not effective, how will national prohibition become effective in that case, for instance?

Senator BORAH. If the Webb-Kenyon law should be sustained by the United States Supreme Court, I suppose that would be presumed to have some effect upon that situation.

Mr. MOWITZ. Yes. As the committee of Congress which considered the Webb-Kenyon bill said, "This is in effect a local-option bill." You have practically local option throughout the Nation now. As Ambassador Bryce said, "Let the States stew in their own juice," and work it out for themselves.

Mr. Chairman, Mr. Gustav Schweppendick, managing editor of the German Journal, of New York, desires to address the committee at this time.

The CHAIRMAN. We will be glad to hear Mr. Schweppendick.

**STATEMENT OF MR. GUSTAV SCHWEPPENDICK, MANAGING EDITOR OF THE GERMAN JOURNAL, NEW YORK, N. Y.**

Mr. SCHWEPPENDICK. Mr. Chairman, I have been asked by the United German Societies of Brooklyn, an organization of about 10,000 citizens, to represent them at this hearing. The United German Societies of Brooklyn are against an amendment to the Constitution prohibiting the sale of alcoholic beverages.

Furthermore, they are against the adoption of a resolution submitting this question to the several States.

When a burglar approaching a house he intends to rob finds a number of watchful dogs in attendance he will throw a bone to the dogs. The dogs will fight among themselves for the possession of the bone and will forget all about the house, giving the burglar a chance to attend to his business with leisure.

Prohibition is the bone thrown to the people to fight over, while in the meantime certain philanthropic gentlemen will attend to "big business." The question of prohibition submitted to the several States would occupy the attention of the people for several decades. A number of other more important subjects would be neglected in the meantime.

Social and economic reforms will be forgotten as long as the fight for or against prohibition rages. The suppression of child-labor, the improvement of our educational system, the movement for workmen's compensation, for old-age pensions, for the protection of womanhood, the utilization of our natural wealth, the fight for eco-

conomic justice will be neglected so long as the struggle for prohibition inflames the minds of the people.

If national prohibition should become a law, political parties and Federal administrations would be voted out of power for enforcing a prohibitory law that a great percentage of our people would consider an unjust limitation of personal rights. In the final end parties and administrations would be afraid to enforce such a law, and it would become a dead letter, the same as many State laws encumbering our statute books.

There would be more hypocrisy, more sham, more corruption, and less respect for the law.

Mr. MOWITZ. Mr. Chairman, by request, I desire to give way to Mr. John B. Colpoys, of Washington, D. C., representing the Central Labor Union of this city.

The CHAIRMAN. We will be glad to hear Mr. Colpoys.

**STATEMENT OF MR. JOHN B. COLPOYS, OF WASHINGTON, D. C.,  
REPRESENTING THE CENTRAL LABOR UNION OF WASHINGTON.**

Mr. COLPOYS. Mr. Chairman, I do not purpose to take up much of your time in an argument which I shall make from the standpoint of the people whom I represent.

I am not here in a personal capacity. I have been sent here by the organization which I represent, the Washington Central Labor Union. I have been delegated, however, to find out as far as possible, the views of workingmen on this particular question, and I dare say if it were left to a vote of the working people they would be opposed to nation-wide prohibition.

We are firm believers in the initiative and referendum. We believe on this question the people have a more direct say as to whether the liquor traffic shall exist or not than on any question before the American people to-day. There is not a city or a village or a town or a State in this country that does not almost yearly vote upon the question as to whether or not they shall have liquor within their domain. For that reason we feel that an amendment to the Federal Constitution is not necessary for the regulation of this particular traffic.

Some people this morning have spoken in regard to the number of people who would be affected by this particular legislation. There would be many thousands of people affected all over the country if such an amendment as is proposed should be adopted. But we have no fear that such an amendment as has been proposed will become law, because we feel sure that if such a proposition as this were put to a vote of the people in the States they would repudiate this particular kind of legislation. But if such legislation should be adopted and such an amendment become a part of the Federal Constitution, many people would be affected. Every man employed in the building trades would be affected should this become law. Bakers would be affected, billposters would be affected, sign writers would be affected, blacksmiths would be affected; boiler makers, bookbinders, and printers, all the members of the organizations of brewery workers, carriage and wagon makers, cigar makers, coopers, engineers



and firemen, garment workers, who make coats and aprons; glass-workers, bottle blowers and those who make the glasses, horseshoers, laundry workers, freight handlers and railroad clerks, photoengravers and lithographers, teamsters, bartenders, and cooks and waiters; all those people would be seriously affected by legislation of this kind.

The vast number of people who would be thrown out of work if this became a law would be a great deal more than merely those who are directly connected with the industry. There are probably connected with the sale of liquor something like 500,000 people throughout the country, directly connected with the sale of it alone. In wages paid to people who are directly and indirectly interested in the liquor business the amount of money paid is more than the United States Government appropriates yearly to meet the expenses of the conduct of the business of the National Government. There is vastly more than a billion of dollars paid yearly in wages to those who earn their livelihood, in whole or in part, from this business.

For that reason, if this resolution should happen to be adopted, I ask you, What are these people who earn their livelihood from this particular business going to do? Where is the business coming from to take care of their needs? Nothing has been proposed by the proponents of this measure as to how these people are going to be taken care of. For that reason we are opposed to the adoption of this proposed amendment to the Constitution.

In view of the fact, as I said before, that the people now have the opportunity yearly to vote as to whether they want this traffic in their communities, and since they have it at all times within their power to say whether it shall be in their communities, we think it unfair that even though, perhaps, three-fourths of the States might decide that this amendment would be for the best interests of the Nation, and the people of the State of Kansas, for instance, say that they do not want liquor within their confines, those citizens should say to the citizens of New York or Pennsylvania that they can not have it within their confines. We believe it is a matter that each individual should decide for himself, and that it should not be regulated so far as to prohibit a citizen from having it whether he wants it or not.

Senator BORAH. To what extent do the labor organizations of the United States oppose this amendment?

Mr. COLPOYS. I could not say, because that would be a matter of guesswork on my part.

Senator BORAH. There has been no action upon the part of the American Federation of Labor or any of the large labor organizations in regard to it, has there?

Mr. COLPOYS. There has not been any specific action taken, but I dare say if it was put to a vote it would be—well, there is no question in my mind but what it would be repudiated.

Senator BORAH. You, then, do not come here representing a labor organization and representing that such a labor organization has taken final action upon this matter?

Mr. COLPOYS. It has never taken final action. It has within its organization all of the men engaged in this business. They all belong to labor organizations, such as the cooks, waiters, bartenders, all the brewery workers, and the other trades that I enumerated before. The brewery industry is thoroughly organized.

Senator BORAH. You have given us a long list of different classes of laboring people engaged in various kinds of trades and occupations who you say would be injured by the adoption of such an amendment as is proposed. How would the people, outside of those immediately engaged in the liquor business, be affected, other than the common run of citizens of the United States would be affected?

Mr. COLPOYS. They would be affected in this way: Those who are not directly connected with the business, such as billposters—they are not directly connected with it, but by reason of the fact that we have this business there are a large number of signs all over the country. You have probably noticed the signs as you have gone through the country in railroad trains. If all this business should be stopped and there would be no further need for those signs, all those men would be thrown out of employment. There is a large percentage of them engaged in that business all over the country. You can not travel in a railroad train for any distance without seeing along the line of the tracks a great many of these various signs which have cost a great deal of labor to make and put up. Would some other business take the place of those signs and give those men employment if you do not have the liquor business? We do not know.

Then, again, take the carriage and wagon workers. They are not directly engaged in the business, but by reason of the business, in which many thousands of wagons and automobiles are used, a certain number of men in that trade are engaged in the upkeep of those vehicles. If the business is to be legislated out of existence, will there be something else coming in to give those wagon workers employment?

It is the same all down the line. There is a vast amount of printing done in connection with the liquor business every year, which necessarily employs not only printers but all the men connected with that industry, such as bookbinders and pressmen.

The amount of capital that is involved to keep all these men going is enormous. If this is put out of existence what would become of that capital; how would it be invested?

Senator BORAH. But suppose we assume that the capital invested is working evil to the country generally, are you prepared to say that we should, nevertheless, keep the people engaged in this industry?

Mr. COLPOYS. No; if that were a fact, I would be one of the last to say that.

Senator BORAH. Then it comes back to the proposition as to whether prohibition is a good thing?

Mr. COLPOYS. That is right.

Senator BORAH. And whether or not it can be made effective in this way—by this method?

Mr. COLPOYS. First, we would have to decide as to whether it would be a good thing, and I am not prepared to say as to whether any figures have been prepared—

Senator BORAH (interposing). Whether prohibition is a good thing or not, we would agree that general temperance is a good thing?

Mr. COLPOYS. I am personally, and the labor unions are, firm believers in temperance; in fact, I am a total abstainer myself.

Senator BORAH. Then the only question would be as to what is the most effective way to bring about temperance?

Mr. COLPOYS. Yes; I think by regulation and education.

Senator BORAH. There is, of course, a difference of opinion as to the method.

Mr. COLPOYS. Yes.

Senator BORAH. You would agree with the proposition that ultimately we would desire as universal temperance as we could have?

Mr. COLPOYS. Yes; in all things as well as in this.

Senator BORAH. If that should come about, your men would go out of employment just the same, whether it was by license or in any other way?

Mr. COLPOYS. Not at all. I do not think that the liquor question at the present time is more than a temperance question. I do not think it is being abused to the extent that some people would make us believe. My own personal experience is this, that amongst my friends and acquaintances I have asked the men the question myself, and I have made an investigation of the number of people who drink liquor and drink beer, in order to find out the number of men who abuse it, and I know of very few who do abuse it. The majority of them are temperate.

Senator BORAH. Do you keep track of the man who takes it temperately to-day, but abuses it next year?

Mr. COLPOYS. I presume at some time or other, perhaps, somebody might take a little too much, but it is on such rare occasions that that would not be a good reason for prohibiting it altogether.

Representative BARTHOLOTT. Reverting to the attitude of labor on this question, of course, the American Federation of Labor has taken no position, as far as I know, because it has not been a national question heretofore. I do not think it is now, really. Of course, the mere introduction of a resolution proposing an amendment to the Constitution does not make it a national question.

But in different States the labor organizations have taken action opposed to prohibition. In Missouri, a few years ago, when we voted on a constitutional amendment for State-wide prohibition the Federation of Labor in Missouri went on record—I believe it was unanimous—against prohibition; all the separate organizations went on record as opposing it, and the result was, it was voted down by a majority of 216,000 in the State of Missouri. It was voted down by a majority of 75,000 in the rural districts of Missouri, outside of the cities of St. Louis, St. Joseph, and Kansas City.

Mr. COLPOYS. I have nothing further to say, Mr. Chairman, because there are others who will speak on other phases of the question. I will say this, however, with your permission, that so far as labor is concerned, the Washington Central Labor Union is opposed to the reporting of this resolution to the Senate and the House, providing for a constitutional amendment for prohibition.

Senator BORAH. Why would your organization be opposed to reporting it to the House and Senate? That presents a different question. Do you not think the Congress of the United States—

Mr. COLPOYS (interposing). I mean we are opposed to the adoption of the report. I think everybody on both sides has the right to say what he thinks.

The CHAIRMAN. Do you not think if this amendment should be submitted and laboring men were unanimously against it it would be defeated before the people? Merely submitting it to the people does not mean that it will be adopted.

Mr. COLPOYS. I do not think it is necessary to submit it to the people in this form at this particular time.

• Mr. BORAH. You said you were in favor of the referendum. Do you go so far as to say you do not want the organization to vote on it?

Mr. COLPOYS. No.

Senator BORAH. That means freedom of vote.

Mr. COLPOYS. They have a referendum on this particular business now, as they vote on the question yearly.

Senator BORAH. You believe in the referendum as a governmental policy?

Mr. COLPOYS. Yes; I do.

Senator BORAH. How can the people ever vote on this if it is not submitted to them?

Mr. COLPOYS. I think this question should be regulated by the States and not by the National Government. I think the States have it now, through the referendum, on their votes each year which I have already referred to.

Mr. MOWITZ. Mr. Chairman, I would like now to vary our argument a little and for a few moments get away from the technical side, and I now take pleasure in calling on Maj. Carl Lentz, of Newark, N. J., president of the Northeastern Saengerbund, an organization composed of over 300,000 German-Americans, and who also represents the other organizations of similar character throughout the country.

The CHAIRMAN. We will be glad to hear Maj. Lenz at this time.

#### **STATEMENT OF MR. CARL LENTZ, OF NEWARK, N. J., PRESIDENT OF THE NORTHEASTERN SAENGERBUND.**

Mr. LENTZ. Mr. Chairman, at the very beginning of what I desire to say I want to impress upon the members of the committee, as well as upon the ladies whom I see present here to-day to listen to what we may have to say, the fact that I represent what I consider to be the most peaceful people on the face of the earth. We have been singing and making music in a sort of "watchful waiting" manner, and we did not at any time consider that that would compel us to come to Washington before a committee of the Senate or House of Representatives to oppose a question of national prohibition.

To show you how peaceful we are I have only to tell you I have been president of the Northeastern Saengerbund for 25 years, and am to-day.

I think I had better give you an idea of what we are, in order to carry out my idea and show you what a peaceful lot of men we are. We are a national organization. We are called the Northeastern Saengerbund, and our membership includes all the German-American singing societies in the Northeastern States. I am also here to speak for the North American Saengerbund, which includes the Middle States; the Northwestern Saengerbund, the Pacific Saengerbund, and even the Texas Saengerbund. Strange as it may seem,

there is an organization of German singing societies in the State of Texas, and it is a very prosperous organization.

Our organization represents a male chorus of some 8,000 singers, with 60,000 passive members; that is to say, paying members. We give great national singing contests, which I hope you have heard, at which we have some very fine singing by male and female choruses. We had one in Baltimore which President Cleveland attended. President Roosevelt attended one of our contests, and we had one in Philadelphia only a year or two ago which President Taft attended. At each of these contests we have had the governor of the State in which the contest was held, and our Senators, Senator Hughes and Senator Martine, and many Members of Congress have been present at the contests. As I said, we have a chorus of 8,000 men and an attendance of twenty or twenty-five thousand people.

Now, what is our purpose? Our purpose is the same as the purpose of the other Saengerbunds. I might say I represent here to-day possibly 400,000 German-American citizens affiliated with the various Saengerbunds, and they have passed resolutions authorizing me and directing me to come here and protest against this resolution proposing a prohibition amendment to the Federal Constitution.

Senator BORAH. Have all the different organizations you mentioned passed such resolutions?

Mr. LENTZ. Yes, sir. I do not know that we have any of them in your State, Senator Borah, but they are very close to you, in California, and it is not too late to start several of them in your State. If we can find enough singers we will organize one. You look as if you enjoyed singing.

Senator BORAH. I enjoy it when the other fellow does it.

Mr. LENTZ. We are not a political organization. We have never played politics in our lives. We have never accepted a contribution from any brewery or any liquor interests, and we have not collected any funds for this movement, and I tell you frankly we would not accept a dollar from anybody. There is not a man belonging to our organization who is under salary. There is not a man in our organization who gets a dollar for his expenses. I think we have the best of our friends in the Anti-Saloon League in that respect. I understand their salaries are high and their expenses are heavy. We are absolutely as free as birds in that respect.

We come here to you to-day face to face. You may ask us any questions you please, no matter how embarrassing they may seem, and we will answer them. We have nothing to conceal. We come together and we are organized in all parts of this country to work upon the hearts of the people. That is our mission in life. You gentlemen in the Senate and in the House, through your debates and through your legislation, endeavor to reach the brains of the people. Your object is to educate the people. Our object is to educate them through reaching the heart, and thus make better people of them.

Yesterday, I have no doubt, you read the dispatches in the newspapers from Vera Cruz, where, I take it, your representatives are to-day; those dispatches stated that there was concert music given by the various marine bands in the city of Vera Cruz. I do not know but that the Northeastern Saengerbund and the other Saengerbunds are, to some extent, responsible for the pleasant change of atmosphere from the sound of cannon balls of the American warships

to the sound of band music, by having educated the people and instilled in them a love for music.

Now, I want to say to you, Senator, that I might bring here about 1,000 of our singers, or, if you want 10,000, I could bring you 10,000, and we will give you a concert here in the Senate or House of Representatives that will make you weep for joy. I am sure you will be greatly pleased, and I have no doubt that these ladies over here, that have been looking a little askance at me, will be equally as well pleased. They will enjoy it just as much as I will, and at the end of their listening to our singing they will come and ask you Senators not to report this resolution under consideration favorably.

Senator BORAH. That would undoubtedly be a great relief to some Senators.

Mr. LENTZ. I have no doubt of it, and it would be a great relief to some of us gentlemen who have come down here on this matter.

The reform element has not as yet penetrated into our German singing societies, and we are still singing our old songs and our old music as we have done for a good many years past—and I think you would enjoy it.

Now, at the saengerfests—have you ever been to one, Senator Borah?

Senator BORAH. I regret to say I have not.

Mr. LENTZ. There will be one in Brooklyn next year, and I will certainly see to it that the Judiciary Committee of the Senate receive invitations, and you will enjoy it, I am sure. Just imagine 8,000 male voices, well drilled together, singing in unison those beautiful folk songs. We sing nothing but folk songs. Now, as I say, I am through with "watchful waiting." I am now going to be aggressive. While I am not saying that I am open for a declaration of war, still a little reprisal now might be in order; just a little bit.

Now, what is the result? What are we after? It is not these immense demonstrations that we give; we want to do something; accomplish something. For years we have had our saengerfests; once in every three years we would come together, and during these three years our singers are scattered all over the country. A large number of our people are laboring men—not men that work in the streets, but I mean skilled mechanics, business men, and engineers. Why, gentlemen, there was, according to the statistics of Mr. Von Stohr, who published a book about it a couple of years ago, 23,000,000 people in this country to-day who have German blood in their veins—23,000,000 of them. We are a very prolific race, and while it may not always show up, it is a fact nevertheless. I should not be surprised, Senator, if you traced back your ancestors you would find that there was a little German blood back of you, and you could be very proud of it.

Now, our singers sing at home, and when they stay at home they entertain their families, they entertain their children, they entertain their neighbors, and they have quite a pleasant time—no work, no worry. They are singing folk songs and entertaining themselves. Now, isn't that education? Isn't that a mighty fine thing to do, keeping the ladies from gossiping or talking about their neighbors, and all that sort of thing? While they are there listening to the songs entertaining them they really get a joyful heart. When one of our men goes to work he sings at his work and his work comes easier.

You go through some of these German-American factories and shops down here and you will hear those Germans singing songs; you will hear the blacksmith as he makes a shoe for the horse you will hear him humming a song. You will hear everybody that is fond of music singing while they work. Now, doesn't that make their work easier? We teach them to sing in their own homes; we teach them to sing to the children; we teach the lover to sing to his lady love; the old man to his old wife—in fact, it creates a sentiment of song and music and eliminates all quarrels and fights and trouble in the family and in the community. Therefore, I think I have illustrated to you why I say we are the most peaceable society in this country. Certainly we beat the suffragettes all to pieces as far as peacefulness is concerned, or if there is a convention of our ladies in Washington for the election of president of the Colonial Dames or the Daughters of the Revolution, I think we have the "bulge on them," too, as far as peacefulness is concerned.

Therefore I think the fact that so large a body as ours is so very peaceful is an important factor in this country. And I think that when the President of the United States comes to hear us, when the Senators come, and the governors, and all that class, we can not be such very bad people.

Senator BORAH. But how does the liquor contribute to peace?

Mr. LENTZ. I am coming to that. In the first place, I would like to call the committee's attention to this: That word "liquor" has a very unpleasant sound to me. We do not stand for liquor. What do we care for liquor? We get a good glass of beer when we want it, we drink it and enjoy it, but we do not call that "liquor." Now, as some of those high-salaried people of the Antisaloon League will say to-morrow, "The major was down there before that committee yesterday representing the liquor interests." You know that is wrong. They are doing something which they should not do, and they ought to confine themselves to the strict truth. They ought to say that the dispatches say that the major is there talking for the interests of his people. Now that is what I am doing here.

Now, when you ask me how does this affect the liquor interests, I will tell you where it is. We have societies that own their own clubhouses. I can take you to New York where the societies own clubhouses worth \$100,000,000. I can take you to clubhouses worth \$25,000 to \$50,000, and I can take you to places where they have no clubhouses, where they meet in halls attached sometimes to licensed saloons. The great majority of them go there to sing, and they drink their glass of beer there also. Now you must not consider that as liquor. I have been into a great many of them, and I want to tell you that I have never yet seen a man in one of them under the influence of beer. We have been having these festivities right along every year, and last year we had possibly 50,000 or 60,000 people, and the chief of police told me that there was not one of our men arrested, not a single one. We have not had a saengerfest yet—and I have been to all of them—where we have had a single man arrested for drunkenness or trouble of any kind or difficulty with the authorities. And there is not a man among those singers, 8,000 to 10,000 men, who will not take his glass of beer. It is food for them. There is the barley, which is burnt and becomes malt;

there is the hops, and there is the water; and that, as it is fermented, is beer. Now that to our people is food.

If you pass that prohibition resolution of—I think one of them was introduced by our friend Mr. Hobson on the other side of the Capitol; I do not know who the other one was.

Senator BORAH. Senator Sheppard.

Mr. LENTZ. From Texas?

Senator BORAH. Yes.

Mr. LENTZ. Of course the sentiment down there may possibly change after a year or two. After they have had a couple of years of prohibition, they may get tired of it. But if it should pass it would destroy all of these societies. They would have no place for a home. They absolutely would be put on the streets. You can not sustain a \$100,000 or a \$200,000 clubhouse without selling beer and Rhine wine.

I have never indulged in a glass of liquor in my life. I have had my glass of beer regularly every day—not only one glass, but two glasses—but never have I touched liquor in my life. On the 19th day of October, 1861, I was brought into the city of Washington to the Army hospital here under charge of Dr. Bliss, having been shot through the arm and shot through the breast at the same time, and being under no condition to undergo amputation of my arm, Dr. Bliss came to me and said, "Major, take a drink of whisky." I said, "Doctor, I have never taken a drink of whisky in my life, and I do not care for it and do not want it." I had a good deal of bother with them to convince them that I would not take any whisky, and I could not take ether or chloroform, so I went under the operation of having my arm amputated without any whisky or any stimulant of any kind, simply having a handkerchief in my mouth to keep me from biting. That shows how little I care for whisky, and I think that beer is the best temperance drink on this earth. If I could only induce these ladies and some of the gentlemen to take a glass of beer regularly every day, they would look better, they would look more joyful and more pleasant than they do now.

Now, I think, Senator, I have talked about as long as I should talk. You and I are to some extent friends—I am a Jersey man and you are from Idaho, but we are pretty close friends, and I would enjoy talking with you very much, but I think I have taken up as much of your time as I should.

Mr. HOBSON. Will the gentlemen permit one question there?

Mr. LENTZ. Certainly.

Mr. HOBSON. It is whether, in your judgment, whisky ought to be abolished?

Mr. LENTZ. Well, my dear sir, not at all. I do not want to speak about that general question as to abolishing anything particularly; but I want to say this, you can pass that constitutional amendment for national prohibition, but you will have no more ability to enforce than we can control the situation in Mexico by "watchful waiting." You can no more enforce it than anything else that is impossible to enforce. People will drink if they want to. Now, do not ask me if I believe whisky should be covered by the prohibition act. I do not drink it; I never have, but other people do. I drink beer and Rhine wine and Moselle wine, and I do not want anybody that drinks



whisky to come here and say to me, "Major, you can not drink beer and Moselle wine and Rhine wine any more." And I do not want to say to him that he shall not drink whisky. If he wants to drink whisky, let him drink it; if he abuses himself and drinks too much lock him up, make him work, or do something to punish him.

We do not stand for intemperance; we do not stand for drunkenness; we are opposed to it. I am as directly opposed to drunkenness as any man can be. I belong to a society which is called the Anti-Treat Society. For 30 years I have never asked a man to drink with me, nor have I ever drank with another man, either in the shape of a drink or a cigar. I ran for sheriff in Essex County, N. J., one time, and it did not cost me a nickel for either a glass of beer or a glass of whisky or a cigar.

The CHAIRMAN. Were you elected?

Mr. LENTZ. Yes; I was elected—to stay at home. But if that was because of my being allowed to stay at home, I am glad of it. I enjoy staying at home. I am very proud of it, because of the sincerity of my principles.

Now, I do not any more believe that whisky should be prohibited than beer, but there is a difference between the two. Whisky is a much more dangerous thing to drink, so far as I am concerned. Beer is a temperance drink.

On that question I want to call the attention of the committee to something that happened to me about two years ago. I was on my way to Cuba and I took one of the through trains south, and when we were going through North Carolina at luncheon I ordered a bottle of beer. The darcy told me, "We haven't any beer," and I said, "You have no beer?" He said, "No." "Well," I said, "that is too bad." Then he said, "I tell you, boss, if you take a cup of tea you will be all right." "Well," I said, "I don't want any tea." "Oh," he said, "You take this, it's all right." So I took the tea, which was served there in the presence of my wife and family in a teacup, and when it came in it was a cup of beer. Do you know what I did? I told that darcy to take that back. I told him if I could not take my glass of beer open and aboveboard, where everybody could know that I was drinking beer; if I had to go to pretend to drink something else to deceive people and make them think that I was drinking something else instead of beer, I would rather stop and get off the train.

That is what you are going to do with your prohibition law. That is the kind of men you will make. And if these ladies who are here are earnestly and sincerely endeavoring—if they would only go to work and go with me, and I will come here and meet them with three or four hundred of our singers and sing with them, every one of them, I am sure they would be ready to ask you not to report this resolution favorably.

In conclusion, I desire to submit for filing the resolution of the Northeastern Saengerbund protesting against the proposed and all similar legislation:

NORD-OESTLICHER SÄNGERBUND VON AMERIKA,

*Philadelphia, April 15, 1914.*

*To the honorable the members of the Committee on the Judiciary, -*

*United States Senate.*

SIRS: I have the honor to submit to your honorable body the following resolutions adopted by the Nord-Oestlicher Sängerbund von Amerika, an organiza-

tion comprising approximately 300 singing societies in the northeastern section of the United States:

" RESOLUTIONS.

- "Whereas bills have been introduced into the House of Representatives, known as H. J. Res. 168, S. J. Res. 88, and S. J. Res. 50, proposing an amendment to the Constitution of the United States of America prohibiting the sale, manufacture, and importation of fermented and distilled liquor containing alcohol, except for mechanical, scientific, medicinal purposes, under proper regulation by Congress; and
- "Whereas measures have been introduced in the legislatures of a number of States which, under the name of local option bills, for the licensing of clubs and other social organizations and similar terms, convey the same meaning and purpose, namely, the prohibition of the use of alcoholic beverages in the business and social intercourse of communities; and
- "Whereas it is a fact that wherever such laws are enforced they signally failed of their purpose, the standard of morality being lowered instead of elevated, as predicted; and
- "Whereas public places from which the Commonwealth derived revenue for the maintenance of its institutions were replaced by illicit resorts, thus avoiding the revenue, undermining the respect for law and order, and fostering hypocrisy and stealth; and
- "Whereas, paramount to all other considerations, we regard such legislation as an usurpation of the rights of the individual, and therefore in direct opposition to the spirit and letter of the Constitution of the United States of America: Be it

"*Resolved*, That we combat such measures and legislation, which will deprive the individual of his personal liberty and rights of freedom, by every honorable and lawful means within our power, believing that the sober judgment of the American people is opposed to such fanatical and destructive legislation.

"*Resolved*, That a copy of these resolutions be sent to each Member of the Senate and House of Representatives, members of State legislatures, and the President of the United States of America.

"NORTH-EASTERN SAENGERBUND OF AMERICA,

"CARL LENTZ, *President*,

"FREDERICK W. HAUSSMANN, *Secretary*."

Yours, very truly,

ARNO P. MOWITZ,  
*Chairman of Executive Committee,*  
612 Franklin Bank Building, Philadelphia, Pa.

Mr. Mowitz. Mr. Chairman, Mr. Frederick W. Haussmann, secretary of the Northeastern Saengerbund, desires to submit the following:

STATEMENT BY MR. FREDERICK W. HAUSSMANN, OF PHILADELPHIA, PA., SECRETARY OF THE NORTHEASTERN SAENGERBUND.

Mr. Chairman and gentlemen of the committee: In joining our president in protest on behalf of the Northeastern Saengerbund of America against this measure, I voice the sentiment of all citizens of German extraction, and in particular the German singers, for they have brought from the mother country into the land of their adoption the most precious treasures, thrift, patriotism, contentment, and the capacity for true enjoyment.

The mission of German song has ever been to elevate mankind. From the cradle to the grave in its strains every phase of life has been portrayed; it serves to develop the noblest traits in mankind, the love of home and country; it calls to the patriotic instinct in times of danger; and again, many a sad hour has been made lighter and sorrow and grief allayed by its tender strains.

It has served to educate the American people to a truer conception of art and music, and its charitable mission has been often demonstrated by alleviating the suffering of humanity in the great calamities which befell our Nation.

The legislation proposed by these resolutions for national prohibition is opposed by the Germans because it is against their conception of social inter-

course and true enjoyment, and resented as an interference of the rights of every individual who enjoys the bountiful gifts of God and nature in proper moderation.

It is neither my desire nor object to engage in a polemic against the advocates of this measure, which can only excite but not instruct. Too many ignominious epithets have already been employed in arguing this question.

But in my mind the question can be viewed from both an ethical and economical standpoint. It is true that the abuse of alcoholic beverages has brought misery upon many unfortunates who have become slaves to a habit, just as in the case of opium, morphine, cocaine, and other remedies which, when judiciously employed, have proved a blessing to humanity.

If these unfortunates become a menace to the community, we have our laws for the protection of the public.

Prohibition will never be the panacea for this so-called evil, for the individual who can not procure it publicly will sneak it, and the clause in this proposed law "for medicinal purposes" is an elastic term.

From an economic standpoint, I may mention the tremendous loss in business and the consequences. Let us take the brewing industry, for instance, which directly or indirectly gives employment to thousands of people. Prohibit the manufacture of fermented beverages and you will not only deprive those employed in this industry of a livelihood, but many others dependent upon it—the machinist, the glassblower, the printer, cork manufacturer, and other industries too numerous to mention. What will be the consequence? A thrifty, happy, and contented people, thus deprived of a livelihood, will be converted into a sullen and resentful part of our community. The assertion has frequently been made that our almshouses are filled with people, due to the liquor traffic. Has it ever occurred to the advocates of prohibition how many would be public charges if such a law were enacted? For our Government also the question will arise where to raise the revenue in war time, as menaced at the present day.

Mr. Chairman, we regard this as an usurpation of the right of the individual and a menace to liberty. It was a dark and dreary superstition in the Middle Ages that the morals of a community can be improved by depriving the people of their pleasure and enjoyment. The oppression by an arrogant nobility and a servile clergy led to the reformation in Germany and caused the revolution in France, and our own Declaration of Independence was the result of an ill-judged interference with the rights of a people. Let us hope and pray that this great country, the marvel of modern times, to whose shores the oppressed of all nations have been brought by the promise of liberty, will never have its history sullied by the rising of its people, who have found freedom a mockery and the word liberty an empty phrase.

Mr. MOWITZ. I now wish to present, Mr. Chairman, another phase of the German-American life in this country, which is represented by the Turners, who stand on practically the same basis in another line of activity. I will now introduce Mr. Henry Abeles, who is the first speaker for the Turners.

#### STATEMENT OF MR. HENRY ABELES, PRESIDENT OF THE TURN BEZIRK, OF NEW YORK CITY.

Mr. ABELES. Mr. Chairman, we oppose this proposition for the simple reason that prohibition does not prohibit.

The New York Turn Bezirk, which I have the honor to represent, is a patriotic organization with an educational purpose. We support schools, gymnasiums, fencing clubs, and are actively engaged in bringing our youth up to the highest possible standard.

This evening in the New York Turn Verein, of national fame, one of our cadet corps, organized by our veterans of the Twentieth Turner Regiment, will celebrate their golden anniversary. When Abraham Lincoln made his first call for volunteers in the Civil War the Turners were among the first to answer his call, and the Turners of to-day

are ready and prepared to do their duty as good citizens, as they did 50 years ago. We are for true temperance and we are teaching the same in all our organizations. We know the danger of abuse and excesses and know that the best remedy against the same is education—self-control. We know the dangers of the abuse of alcohol as well as we know the danger and abuse of most anything we may eat or drink. We are not advocating the use of alcohol or any other kind of drinks. We are not in any way interested in the production or sale of beverages, but we oppose prohibition, for we are convinced that prohibition will not stop drinking, but, on the contrary, will increase the abuse of strong liquors.

Gentlemen, artificial stimulants will be used. It is impossible to stop the use of them by law. Temperance can not be secured by prohibition. Beverages of strong alcoholic nature must be fought by those of lighter alcoholic effects. Prohibition would make the use of the latter impossible. We know the evils which are connected with the drinking habit are enormous. We know that thousands of lives and many more thousands of households are the victims. We are not blind to the harm which alcohol has brought and is now bringing to the country. But we know that prohibition would not do away with or decrease, but on the contrary, would increase, the harm done by the abuse of alcohol. The light beverages would be impossible, lighter wines and beer would disappear, but not the strong alcoholic drinks which can easily be manufactured and more easily stored away. New patent medicines would make their appearance on the market. The dive keepers and moonshiners would flourish.

When a hollow tooth aches, the modern dentist does not think of pulling it—that would be the remedy of the old village barber. Only fools will advise us to abolish railroads for the sake that thousands of people are crippled or killed by the same year after year. If certain evils come from certain sources, shall we hastily annihilate this source, otherwise beneficial, without studying whether greater evils might not result from its destruction and without asking whether the evils might not be reduced and the good from the same source remain untouched? If, in certain districts of this country, there are residents who can not control themselves and who make prohibition in their districts advisable, does that justify national prohibition, which insinuates a people not able to control itself? Those which I have the honor to represent say, No! The evils of drink exist, and to neglect their cure would be wrong, but to rush on to the conclusions that prohibition, which will destroy trades now flourishing, take the bread of hundreds of thousands of workingmen, deprive the States of a large part of their income, is right, is absurd, and unworthy a self-governing Nation.

Greater evils would be the course of prohibition. The law-abiding citizen's respect of law would be undermined. The greatest evil for a well-organized State and good citizenship will be fostered—"disregard for laws." Can there be any doubt that disregard of laws is the most dangerous factor in the American civilization? It would be a dangerous experiment to foster laws which almost tempt toward a training on violation of them.

Human conduct can not be regulated by laws, and real temperance can not be gained by prohibition. The Turners of America consider

self-control—real temperance—of higher value than complete forced abstinence. We oppose prohibition, for the same is unworthy to the standard of this great American people. We oppose prohibition, for it does not accomplish and can not accomplish what it is supposed to stand for. We oppose prohibition, convinced that it increases the danger of abnormal alcoholic drinking. Prohibition never did and never will reduce the abuse of alcohol or vice, and therefore I respectfully submit the protest of the Turners and all those who authorized me to represent and speak for them against national prohibition.

Mr. MOWITZ. The next speaker is Mr. Alphonse G. Koebel, who is president of the New York State branch of the National German-American Alliance, and who will present his views on the subject.

**STATEMENT OF MR. ALPHONSE G. KOEBEL, OF NEW YORK CITY,  
PRESIDENT OF THE NEW YORK STATE BRANCH OF THE  
NATIONAL GERMAN-AMERICAN ALLIANCE.**

MR. KOEBEL. Mr. Chairman, I may say that I am also president of the German-American Citizens' League of the State of New York. The New York branch of the German-American Alliance has 40,000 members, and the German-American Citizens' League of New York has 30,000 members—70,000 members altogether. Of the last 30,000, I think at least 75 per cent were born in this country.

Now, I am going to take as little time as I can under the circumstances. I had hoped to be heard to-day before the Committee on Inter-oceanic Canals on the question of tolls. I should have liked to protest against what I consider a surrender of American rights, and I am here as an American to protest against the proposed surrender by American citizens of their right to satisfy a desire given by God, and confirmed by the Constitution, and sanctioned by the use of ages.

This is not a question of whether prohibition is good or bad; it is a question of whether you have the right to deprive an American citizen of an inherent right to do or not to do a thing. If you are going to try and regulate and correct all the inequalities in the United States by way of law, the millenium will not be able to accomplish it. If you say that liquor or alcohol is a narcotic beverage, I will say to you that there is almost as great a percentage of poison in meat as there is in alcohol, and that to-day in the United States more men die from overeating of meat than die from drinking alcohol. It is this poison in the meat that destroys the kidneys and leads to untimely death. You will hear on one side men urging this on economic grounds; but what they want to accomplish is not simply because they believe in it on economic grounds or moral grounds, but on religious grounds. It is religion back of the prohibition movement. In the early days it was a moral ground; but the sound judgment of thousands of legislators all over the United States has been proof against any attempt on the invasion of the personal liberty of the individual upon any such grounds, and to-day they come on the claim of economic grounds.

I have no reflection to make on the Senator from Texas. I believe he is a God-fearing man, undoubtedly. A man who in the record talks about walking under the banners of Almighty God is an intense man, but he crystallizes the sentiment back of the prohibition movement. It has greater regard for the soul than it has for the body,

and that is the same intense spirit that to-day is behind the prohibition movement, trying to impose upon millions of our fellow citizens their point of view; it is the same spirit that took thousands to the stake, because they wanted to impose their religious belief on others in the past. Is there any doubt about that? Take the bodies back of the movement to-day. Are they not in their essence religious?

Senator BORAH. How far would you carry the doctrine of personal liberty?

Mr. KOEBEL. I wish to lay this proposition. This is a basic proposition: No government has a right to take any more of the personal liberty of an individual than is absolutely necessary for the conduct of good government. Just as soon as you go beyond that line, and just as soon as you put on the statute books a law which takes that personal liberty from me, it is no longer law, it is legalized robbery of the rights of the citizens. That is the point of view to take. How much right have you to say to me that I shall drink or shall not drink? What right have you to say to me what I shall eat or what I shall not eat? You may say that a three-fourths majority or two-thirds majority can say to me that I shall not drink liquor, beer, or wine, but I say to you that nine-tenths or ninety-nine one-hundredths should not be able to take from any citizen an inherent right such as that which is implanted in his breast, a God-given instinct that he should reasonably satisfy.

And I want to ask you this: Take any religion, the Methodists, for instance; suppose that nine-tenths of the people in the country to-day were Methodists and they would want to put upon the statute books a law that we should all be Methodists; would any Member of the Senate vote to put such a proposition as that on the statute books of the United States? Why, the thing is fundamentally wrong. Its fundamental purpose is to deprive you or your right. Fundamentally it is against the genius of free American citizenship, and I say upon that ground you have no right to say to me what I shall or shall not drink. Now, I want to read to you the picturesque language contained in this wonderful preamble [reading]:

Whereas exact scientific research has demonstrated that alcohol is a narcotic poison, destructive and degenerating to the human organism, and that its distribution as a beverage or contained in foods lays a staggering economic burden upon the shoulders of the people, lowers to an appalling degree the average standard of character of our citizenship, thereby undermining the public morals and the foundation of free institutions, produces widespread crime, pauperism, and insanity, inflicts disease and untimely death upon hundreds of thousands of citizens, and blights with degeneracy their children unborn, threatening the future integrity and the very life of the Nation.

I would like to bring here into this august Senate as great an exhibit as you ever had. I will bring to you 25,000,000 of this land who have Teutonic blood in their veins, and they, by their sobriety, by their achievement, by their history, by their every act in the history of this land, by the fundamental virtues of love of family and of State, by their reputation as citizens, second to none, however high or religious they may be—I say that that 25,000,000 is an irrefutable argument against the preamble in this resolution proposed to forward this constitutional amendment.

Senator BORAH. It seems to me that that might be true, but the Senator, in using that language in the preamble of the resolution, is speaking of the excessive use of liquor. You are speaking of tem-

perate people. Notwithstanding the fact that they take their drink, nevertheless the Germans are considered a temperate people who have absolute control of their appetites in regard to it. But he is speaking there of another class of people who have not control over their appetites.

Mr. KOEBEL. Certainly; and should the few drinkers interfere with the pursuit of life, happiness, and liberty guaranteed them in the Constitution because there are a few drinkers in the United States out of a hundred million of people? Should 25,000,000 German-Americans be condemned because of a few drunkards? I am speaking not only of the Germans, because there are millions of others just as good as the Germans, and you must take them as a whole.

Senator BORAH. What would you do with the situation where there are people who abused it? All writers upon the subject come to the conclusions that the use of liquor in excess has in effect that effect which the Senator there speaks of.

Mr. KOEBEL. Nobody denies that. The excessive use of meat has the same effect.

Mr. BORAH. Do you believe in the pure-food law?

Mr. KOEBEL. Certainly I do.

Senator BORAH. Now, there is a question of personal liberty. Why should not a man be permitted to choose for himself what he should eat and let him get it as he would?

Mr. KOEBEL. I think there is quite a distinction between the pure-food law and liquor laws.

Senator BORAH. Of course there is, unless you take the view, as some people do, that when you take liquor into the system in excess it has the same effect as impure food, destroys health, body, and mind.

Mr. KOEBEL. Yes; if my hand has an abscess on it I treat that hand, but I do not proceed to give myself a poison in order to rid myself of the abscess. If there are defects in the system of regulating excess—and we, as German-Americans, are in favor of moderation, more so than others—should the whole body politic suffer because of a few little inequalities, a few little excesses?

Senator BORAH. What I wanted to get at was, taking your hand as an illustration, how would you treat that portion of the body politic which is affected?

Mr. KOEBEL. By reasonable regulation, not by annihilation; by having laws which have behind them the approval and assurance of the people. That is the only way to regulate a thing like this. You can not regulate a thing like this by putting on the statute books a law which has not the respect of the citizens, who care nothing for it, who say that it is a violation of their fundamental rights. Isn't the history of prohibition to-day a history of failure?

Senator BORAH. Well, I agree with you that the great difficulty with the question is to make it effective. That is the sole question with me how to make it effective.

Mr. KOEBEL. We should have reasonable laws. Do not say to the millions and millions of the American people, "You shall not do this, because there are some drunkards in the land." That is the argument I make. There are some laws which we know perfectly well are good laws and necessary. For instance, if the father of a family spends his money in a saloon, if you will put on the statute books—

as we have in the State of New York—that you can go to the saloon keeper and give him notice that he will be punished for selling one single glass of beer to the father of that family you will effect something.

Undoubtedly, Senator, temperance has done this much good—in spite of all their vagaries it has done this good—it has improved the saloon and the drinking in this country tremendously, but this only shows you that the right way to go about it is by education in the first place and by regulation.

Senator BORAH. What would you do with this kind of an incarnate fiend? [Reading:]

KEELEY INSTITUTE,

*Dwight, Ill.*

GENTLEMEN: Our customers are your prospective patients.

We can put on your desk a mailing list of over 50,000 individual consumers of liquor. The list is the result of thousands of dollars of advertising.

Each individual on the list is a regular user of liquor.

The list of names is new, live, and active. We know because we have circularized it regularly. We will furnish this list in quantities at the prices listed below. Remittance to accompany each order.

40,000 to 50,000-----	\$400
20,000-----	300
10,000-----	200

We will not furnish this list in lots of less than 10,000. Discontinuance of business January 1 is the occasion of our selling our mailing list.

Yours, truly,

KENTUCKY DISTILLERS Co.,  
W. FRANKLIN, *President.*

Now, here is the situation with which society has to deal. How would you deal with it?

Mr. LENTZ. Who is issuing that circular?

Senator BORAH. It was issued by the Kentucky Distillers Co., by W. Franklin, president, to the Keeley Institute.

Mr. LENTZ. I do not know who the Kentucky Distillers Co. is; but do you believe for one single minute that any sane business man—evidently a distiller in this case—would go to work and write a letter of that sort to the Keeley Institute, saying that he, the writer, was going to furnish the Keeley Institute customers by the selling of liquor? Do you think for one minute that that is a correct document? Have you authenticated that?

Senator BORAH. I am informed by those who are in charge of the situation that they have the original document.

Mr. LENTZ. Well, if it is possible that such is the case, that this was a fact, then you gentlemen ought to see that that man is sent to State's prison, and we will help you. That is the proper answer to such a letter as that. But this letter is not an argument in favor of prohibition.

Senator BORAH. How would you send him to State prison? Where he ought to go is to the insane asylum; but how are you going to do it?

Mr. LENTZ. Possibly that might be better, but I will go further and say that I think a man who really regards this as a business proposition of that kind ought to be punished.

Senator BORAH. Really, it seems to me, with all due respect to you very able gentlemen who are appearing here, that both sides on this



question are not very far apart in what you ultimately desire to accomplish. You want temperance; you want sobriety.

Mr. KOEBEL. We want moderation.

Senator BORAH. Notwithstanding the fact that it is generally thought otherwise, I look upon the German people as a temperate people; but we have a condition to deal with which is not temperance. It is the drugged, saturated, fiendish condition of affairs in all parts of the country. Now, this basic question is, Can we maintain the American citizen up to the standard which is necessary for an American citizen to have in order to discharge the duties of a great Republic and permit all this sapping and undermining to go on? If not, how are you going to meet it?

Mr. KOEBEL. I suppose you must have had a lot of literature from the prohibitionists.

Senator BORAH. No; I will tell you how I got my knowledge; it was by observation, not by reading.

Mr. KOEBEL. If the people in the State want to have prohibition in the State, let them have it; but do not deprive us who are temperate of a right to enjoy a reasonable instinct.

Senator BORAH. Now, my friend here, who appeared for the laboring men this morning—it was my misfortune to be one of those in charge of the riot situation in Idaho in 1899, and we could not make a move nor accomplish a thing in the way of order or make any progress toward restoring quiet until we closed by military decree every saloon in the disturbed district.

Mr. KOEBEL. There are some men so addicted to the use of liquor that they should not have it. The negro, for example; it might be a very wise thing to keep it away from the negro, but why keep it away from me?

Senator BORAH. Yes; I think a white man who will sell whisky to a negro ought to go to the penitentiary for life. But the only thing, as I stated, seems to me to be whether or not national prohibition can be made effective.

Mr. KOEBEL. I do not think so, because you will have no more sentiment of the people behind you for national prohibition than you will for State prohibition.

Take the case of Bangor, Me. There is a city where statistics show that in one year one for every nine of the citizens was arrested for drunkenness. That is in a prohibition city of a prohibition State. I would very much wish, Senator, that you read the other side. I have here a statement by Dr. Williams, from Montclair, N. J., which is published in the Medical Record, showing how absolutely—I will not say untruthful, because I know there are thousands of good people in favor of prohibition who are not untruthful, but they are carried away by it, and they sometimes do not get their facts quite straight. They argue about insanity here, for example. Now, if you believe the prohibitionist, drinking and drunkenness make for insanity, yet it is a fact that in the last 17 years in the general United States the increase in insanity for 100,000 has been 4.4; the increase in insanity in the eight prohibition States has been 7.3. The State in which the greatest decrease in insanity was recorded, 27.6, is the wet State of Nebraska, and Maine is second on the list with an increase of 21.2.

Senator BORAH. Is that increase in insanity in the prohibition States by reason of the fact they drank more liquor under prohibition conditions or less?

Mr. KOEBEL. I can not tell anything about that. I am only stating an existing fact, and I submit that for your consideration.

Another thing by way of passing: The chief murder city in the United States to-day is Memphis, Tenn., which averages 64.3 to 100,000 for homicides, while the rum-ridden city of Philadelphia is 1.4 in murder.

When we come to consider the effect upon the infant unborn, the Galton Library, in Europe, shows, strange to say, that the children of alcoholic parents were in height and weight greater than children of absolutely sober parents.

Senator BORAH. Who presents those facts?

Mr. KOEBEL. That is in that same document. The Galton Library also says that the general health of children of alcoholic parents is better than the general health of children of nonalcoholic parents.

As an instance of how the prohibitionists arrive at their conclusions, they give figures which show that 55 per cent of the children of drinking mothers die in childhood, and 23 per cent only of the nondrinking mothers. That was a test of 10 people only on either side. The Galton test of hundreds of people shows about 33.8 of drinking mothers, and 26.5 of nondrinking or sober mothers, and then incidentally puts the very pertinent remark that, on the other hand, the number of children of the alcoholic or drinking parents is very much greater than that of the nonalcoholic: and when you investigate the number of births in the different sections of the country, you will find it true that race suicide is strongest where we have the strongest preponderance of prohibition, particularly in States like Maine and Vermont.

Mr. HOBSON. Will you permit a question there?

Mr. KOEBEL. Yes, sir.

Mr. HOBSON. Those that you called "sober," were they total abstainers?

Mr. KOEBEL. They were total abstainers.

Mr. HOBSON. The gentleman is mistaken.

Mr. KOEBEL. I simply quote the figures given here.

Mr. HOBSON. That has been entirely exploded as a scientific proposition, for the reason that the census did not take total abstainers. They just selected a few that they thought were sober, and they took out the moderate drinkers. Then they have selected another class that did not represent the drinkers. That has been entirely exploded as a scientific investigation.

Mr. BARTHOLDT. Who exploded it?

Mr. HOBSON. Those who investigated the method of its carrying on.

Mr. BARTHOLDT. Who investigated it in England?

Mr. HOBSON. It was investigated by scientific bodies in England.

Mr. KOEBEL. Of course I have not the facts myself, but this is only an instance again of the infallibility of the prohibitionists. They are absolutely infallible in everything they say. This is a publication in the Medical Record, a standard medical work in the United States, which has also had articles on the prohibition side and I wish to submit it to you.

Mr. HOBSON. Of course this is in deference to his own conception of logic. He himself has been condemning the excessive use of alcohol, but if it would increase the number of children and reduce the amount of insanity, it ought to be a good thing.

Mr. KOEBEL. We are both here condemning the excess. I am just as strong as the Congressman from Alabama—I think that is the State that Mr. Hobson comes from—I am just as strong as he is in condemning the excess.

Mr. HOBSON. The gentleman will know that these two classes were the sober and the alcoholic—the two that he stated for that census in England—and according to his figures, the alcoholic was so much superior to the sober that he ought to advocate instead of condemn the use of alcohol.

Mr. KOEBEL. Well, I do not advocate the excess. I advocate the reasonable indulgence of an appetite which I believe was given us by God.

On the religious side I want to say to you that the one great church in the world for centuries, the Catholic Church, has never been for prohibition. And these religious men that look upon it as a sin—with them drinking and the devil are interchangeable terms—if there is any man within hearing of my voice that says that drinking is wrong, I want to array against him the words of Christ, who did not find wine enough at the feast of Canaan and turned water into wine; and in making the great sacrament that for years has been celebrated in the Catholic Church and part of the Christian Church, they use fermented wine; and I say that if that is wrong, they have Him arrayed against them, and I am amazed at their lack of consistency. Talk about excess, talk about nonrestraint; our prohibitionist friend is just as unrestrained in his drinking as are our people who are addicted to overindulgence in liquor.

Mr. HOBSON. Will the gentleman yield for another question?

Mr. KOEBEL. Yes.

Mr. HOBSON. I only ask him why he attaches scientific matters on religious matters or any other sentimental matters. I will ask him to put in the record the original Hebrew for the miracle of turning the water into wine, and also to put in the original Hebrew for all the biblical references to wine, and he will find that we have translated into "wine" the two different Hebrew terms, one the unfermented juice of the grape, the other the fermented. And wherever the word for the fermented wine is used, you will find there was an unconditional definition; and wherever there was anything that was in doubt, it would be the other.

Mr. KOEBEL. I have only one answer to make to the gentleman from Alabama. I will not argue the meaning of the word. I know that the Catholic Church has held that it was fermented wine, and their translation has been used for a great many centuries. If it is not correct, how do you explain that passage in the Bible where it says the people of Canaan were in such a condition that they did not know good wine from bad? How could they be in such a condition from the use of unfermented grape juice?

Senator BORAH. I will have to go to the Senate now, but I will return as soon as I can.

Mr. KOEBEL. I will close, then, in a few words. I earnestly ask you, Mr. Chairman, not to report this even to the Senate, on the

theory that if you believe it interferes with personal liberty it should not even get that approval, which is involved in presenting it to the Senate at large, much less going before the country.

The prohibitionists, to their credit, have been wide-awake on this question. Men like ourselves have done very little, because we are accustomed by nonchalance, perhaps, and we are not so wide-awake. I do hope that there will be such a condition in this country that there will be two camps, one the German-American and the other the Liberal-American. When they scent the danger of this measure there will be two hostile camps in this country to decide this question. A national prohibition law will bring violation of the law, because the law that does not have back of it the confidence and approval of the citizens can not be enforced, and outside of that you will have bitter feelings in every section of the country. I simply say, let the prohibitionist do what he pleases. If I would propose a measure to compel all persons to drink beer at the table instead of water, there would be a laugh go up throughout the length and breadth of this country. How dare you tell me what I shall drink? And I say as an American citizen that the Senate and the Congress of the United States has no right to take from me the right to say what I shall drink or not drink, no matter how many drunkards there may be in this country to-day.

The CHAIRMAN. Do you make any distinction, or do you not, between the traffic in a thing, and whether or not a man shall use it? Is there any distinction, or is there not?

Mr. KOEBEL. Absolutely; but as I understand this measure, you will simply open the floodgates of more dives, more illicit stills, by taking the business away from legalized, fair, decent citizens who traffic in the business to-day—the great mass of them are such, maybe some of them are not—if you take away from them the right and take away this power to reasonably regulate the sale and manufacture, I believe you will inundate this whole United States with violators of the law, because there is an instinct, there is a craving, which will be satisfied, and the law will be evaded. And I say the only way is regulation not annihilation of the privilege to use and satisfy a reasonable instinct.

The CHAIRMAN. That is what Senator Sheppard is asking. This bill says nothing about the use of it.

Mr. KOEBEL. Certainly not.

Mr. BARTHOLDT. Will you permit an interjection there?

Mr. KOEBEL. Certainly.

Mr. BARTHOLDT. Referring to the Senator's question and the distinction between use and traffic, I merely would say in the way of explanation, that the traffic is the result of the demand for it.

The CHAIRMAN. I understand that.

Mr. BARTHOLDT. And we must always acknowledge that that demand is the demand on the part of the people, and the demand is what makes the traffic, not the traffic the demand.

The CHAIRMAN. I simply wanted to make that clear. You keep saying that a man should be given certain rights. Now, I do not understand that this denies him any right involving his personal habits.

Mr. KOEBEL. How will there be any drinking? This says:

The sale, manufacture for sale, transportation for sale, importation for sale, and exportation for sale of intoxicating liquors for beverage purposes in the United States and all territory subject to the jurisdiction thereof, are forever prohibited.

Where will they get anything to drink?

Mr. BARTHOLOMT. Make it themselves.

Mr. KOEBEL. Do you want to turn this over to illicit stills instead of having decent men in this business? That is one of the arguments, I think, Mr. Chairman, which is against prohibition. Another is that in the prohibition States there is an apparently increased amount of insanity. Also in the United States, in spite of the advance of prohibition we find that in 17 years the consumption of alcoholic beverages in this country has been doubled. How do you account for that? You can not do it, because there seems to be that inclination, Senator, which leads to the drinking of the beverage containing the most alcohol; because a man being deprived of the right, instead of going to his beer or one glass of whisky, will go to the bottle, because he knows he can get a bottle instead of a drink, and, of course, he takes the vilest stuff because it is not inspected by the law. It is sold now by decent law-abiding citizens; this stuff will be made by the riffraff, and therefore it will be the vilest kind. I think that is one thing to be considered, that the decent stuff is manufactured by decent manufacturers.

Mr. HOBSON. Does the gentleman refer to liquor or beer, when he says the "decent stuff"?

Mr. KOEBEL. I was making the general proposition.

Mr. HOBSON. Both liquor and beer. You mean that distilled liquors are good?

Mr. KOEBEL. Distilled liquors, some of them, are very good. I do not suppose I have had a drink of whisky perhaps more than two or three times in the last three or four years. I take a drink sometimes for my health or if I am tired from some work I have been doing. But I do not want to deprive any other man from his glass of whisky or his glass of Rhine wine or beer. For a period of five years I did not drink beer or wine; I was at college where I did not get it. But that is not saying that I should deprive you of the right, any more than I should deprive you of the right for running for Senator in Alabama just because Mr. Underwood wants the job.

Mr. HOBSON. I will say to the gentleman what I said after that election was over, that I saw the hand of the liquor interests, the beer and straight distilled liquors, all through that result, and I knew that it would send great rejoicing to hearts like himself who is now exulting. But I will say to him what I said publicly when the result of that election was known, that I have only begun to fight; that it was not essentially fanatical or religious inspiration that caused me to go into it, but a scientific investigation, and that I expect to remain in the fight and be in the fight when the 36th State ratifies this amendment to the Constitution of the United States.

Mr. KOEBEL. Of course, I respect the opinions of others. I have no quarrel with individuals. I believe we all want to be good American citizens for the best interest of our country, and I always certify to the good intentions of the individual wherever I can.

Mr. LENTZ. Might I just ask one question there. Do you consider me as the representative of the liquor interests against which you say you have declared war?

Mr. HOBSON. Oh, no; and I have been delighted to hear the gentleman this morning, because of his attitude and the choice spirit that is in him, and although I do not believe in the cause that he represents I do not believe he would exult in my recent defeat in Alabama.

Mr. LENTZ. I would like to have seen them send a Republican for their Senator. [Laughter.]

The CHAIRMAN. I see you are probably against many things besides this resolution.

Mr. MOWITZ. As our concluding speaker, I desire to call upon Mr. Henry Weisman, of Brooklyn, N. Y., president of the Brooklyn branch.

**STATEMENT OF MR. HENRY WEISMAN, PRESIDENT OF THE  
BROOKLYN (N. Y.) BRANCH OF THE NATIONAL GERMAN-  
AMERICAN ALLIANCE.**

Mr. WEISMAN. Mr. Chairman, I desire, in the first place, to state very emphatically that I have no personal issue with Mr. Hobson; that I respect his motives, that I respect their purity, and that I respect his patriotism. I have no question in my mind but what his intentions are of the best and that he is guided by his stars as I am guided by mine. And we are going to fight out this battle not on personal lines, but on lines of principle. We are going to fight it out on those lines, and we are going to try to prevent those 36 States from ever indorsing this amendment. And he is welcome, and he is acting as a true, patriotic American, in using his privilege to do anything in his power to give expression to his convictions. There is no room here for personalities or acrimony of any kind. We are all Americans here, and we are all confronted by a very important proposition.

Before I came I did not consider that it was as important as it presents itself here to me to-day. When I was requested by the president of the National German-American Alliance, whose office is in Philadelphia, to lay aside my business work and come down here to speak, I did not think it was a serious matter, and I did not see how I could leave my business to come here; and I suggested to some friends of mine that I did not think this thing amounted to anything. I could not for the life of me see where there was the slightest danger to apprehend from a body of intelligent men in the United States Senate and in the House of Representatives, two-thirds of the entire number required to pass and submit a resolution of this character to the American people.

Although German born, coming from the other side, I am second to none of the American patriots in my appreciation and in my admiration of the great liberties and the great blessings that are showered upon the human race by the American people, and that this Christian people, which has produced men like Daniel Webster, men like Calhoun, men like Clay, every one of whom went down Pennsylvania Avenue—that is a matter of history—and imbibed as much whisky as he could possibly stand—it seemed impossible that such legislation could be passed by such a people. And we look to those men as

the great beacon lights, and to the one great beacon light of our legal knowledge, the greatest constitutional lawyer that America has ever produced, Daniel Webster, who was steeped in whisky time and time again. If whisky was a narcotic poison, why did it not destroy Webster? Why did it permit the wonderful genius of his mind to hold enthralled the attention of the great constitutional framer of our country, Chief Justice Marshall? How was it possible that a man steeped in whisky could stand here in the Senate of the United States, the best speaker of that day, and deliver the most wonderful orations? And when Daniel Webster appeared before the Supreme Court of the United States, presided over by Justice Marshall, he said that Webster had delivered the most wonderful oration that he had ever heard; and this was a man who time and again was full of this terrible narcotic poison. So was Clay; so was every other statesman of that time. I tell you, Mr. Chairman, if you wish to understand the proposition that confronts you in the present you must turn to the lessons of history and the lessons of the past.

There is a dispute here as to whether the Savior made grape juice or whether he made wine. I am afraid that if the Savior had been addicted to drinking grape juice, He would have developed the same characteristics that have been developed and that are so marked in one other great personality of our country who to-day is confronted with a most serious situation of his own. If the Savior had been in the habit of drinking grape juice instead of fermented wine, I doubt very much whether He would have developed for all men that wonderful magnetism that has brought young and old alike to Him; that in 2,000 years has brought the entire world to His feet; and that made Him inspired in the hearts and minds of men of all ages for the most beautiful and the noblest things that the human mind and soul can appreciate. I can say what we know is historical, that Christ drank, and that He never condemned drink, while He did condemn, of course, drunkenness; and there are a number of references in the Book which indicate that He drank. And at the wedding of Canaan, no matter what my friend Hobson says, it clearly indicates in that reference in the Bible that the wine which the Savior made on that great day was fermented wine, because it added wondrous joy to the festivities. Yet we are told to-day that to drink wine is un-Christian; but no one could believe that without surrendering or without dangerously impairing his loyalty to his faith. And when we look back into that period there is but one other man who, a few hundred years later, in that great and trying period of human history when all those great campaigns were on for the purpose of setting up a new faith in the place of the old pagan faith—there was but one other, and that was Mohammed. Mohammed was the next man—perhaps the Hobson of those days—who was impressed with the feeling that there was a great deal of crime and drunkenness around him, and he conceived the idea that in order to build up a strong race, a big race, a fighting race, in order that they should carry forth the faiths that he propounded, he would make them abstainers and teetotalers, and therefore he introduced in his faith, as a part of his religion, the prohibition of drink. And religious as these new fanatics were, to them their religion was their drink, and their principles penetrated that whole system of society; but they stuck to the proposition and did not set up illicit stills.

They were not the geniuses that Americans are, who know how to set aside and violate the laws and then justify that violation before their Maker. They believed, as Mohammed told them, that they should abstain; that had to be done, and that was done.

This was some time in the seventh century after Christ's death. To-day we have passed over twelve hundred years of human endeavor, of human struggle, moral and otherwise, and on the one hand has traveled the great caravan of civilization headed by the Man who turned water into wine at the wedding of Canaan, and on the other side Mohammed with the proviso clause that would work out prohibition. Now compare the results. On the one hand, you have developed genius and human advancement; on the one hand, you have the spirit and lessons of humanity; on the one hand, you have the spirit and lessons of human fraternity; on the one hand, you have the working out of the Christian religion with all the wonderful political blessings that it has brought to the world and which are laid down in our American Constitution and our Declaration of Independence in its very highest conception. Those are the proofs of that great work.

On the other hand, you have the Mohammedan race absolutely degenerate, and the last of them driven from European soil by a few brigades of savage or half-savage men in Bulgaria and in Greece but a few years ago; and you have Mohammedanism going down under the crush of incompetency and utter failure, while we have marched on until, in spite of this great evil, we have built this wonderful monument to the principles of humanity and liberty which enables us to sit here to-day, which enables us to be inspired with the great achievements of the men that have gone before us and that have shown the right way as we see it.

Now, the proposition comes down to this ultimately, and it is simply this, that here in America is the only country where the effort is being made, and it is the only country to-day where the most democratic principles of liberty are being worked out. When we look on the other side of the pond, we do not find a single country that would for a moment venture upon an experiment of this character. And yet in the other countries there is far more drunkenness than there is here. Take Ireland, Scotland, and England—take those three localities, and just run down the facts, if you are interested enough, Mr. Chairman, or anyone within the reach of my voice, and disposed to take the other side of the controversy—just take those three localities and you will find that there is much more drunkenness and that there is a proportionately greater consumption of liquor in the countries on the other side than we have here.

There is Ireland, a nation noted for its consumption of spirits. Who is there, for instance, that drinks as much liquor as the Irishman? And yet these Irishmen come over to this country, and it is wonderful how these men adjust themselves to American institutions and raise their families and are in almost less than no time at the very head of American affairs. You will find them the most ingenious politicians and record-breaking statesmen. You will find them in almost every line of business; you will find them self-sacrificing to the end of giving up their blood for their country; you will find these men, whose fathers for generations past have been steeped



in this narcotic poison, with a physique and intellect of the very highest.

Look at the police force of New York City, the pride of America to-day in physical manhood. Look at the Irish police force in New York—10,000 or 12,000 of them—and you can not find a better or more robust body of men in the world. Nor will you find more courageous man than those two who, when seeking that murderer the other day in a room in one of the tenement houses on the East Side, deliberately went in there, into a dark room, knowing that that murderer was there, and one of them was killed, and his brother alongside him killed the murderer on the spot. There is a race for you. It may seem peculiar that I, a German, should speak in such high terms of approbation for the Irish, but I believe in giving credit where it is due.

You are aware that they drink liquor in England, and I will bet that Lord Roberts, who led the British in the Boer war, drinks whisky. [Laughter.] The Celt has done all these things, and I think we have a right to take into consideration some of these things. Some of them may not appear to be absolutely to the point, but most of them are.

Take the German, Bismarck. It is an absolute fact that Bismarck drank six or seven or eight bottles of beer every day, and then he went into the Reichstag and held down a nation that was trembling in the scale for years, whether it would disrupt or not, after having been consolidated by a bloody war; and that man, by titanic strength, held together that disgruntled, disorganized people, formed out of 36 conflicting dukedoms and cantons. While dissension was among them he held back with his mighty hand and welded those warring factions into the great and lasting empire which to-day is the pride of the world. And Bismarck was a heavy drinker. Von Moltke was also a heavy drinker, the man who conceived the wonderful plans that carried Germany successfully through the many wars of that period.

All Germans are drinkers. There are no prohibitionists. And they do not merely drink beer. Let me tell you that the north Germans, the Pomeranians, and the Mecklenbergers, and all those people—the low Germans—drink almost as much whisky as the Irishmen. Of course, we who come from south Germany all worship at the shrine of the god Bacchus, but when you come away to the north-land you come to the lowlands, where the old Saxons lived, and from whose loins sprang the Saxons of England, and those people make whisky out of rye, potatoes, and almost anything, and they drink that whisky.

- When the war of 1870–71 broke out I was a little fellow about 8 years old. On the 14th of August, 1870, when the battle was on near us my mother took us down into the cellar, because we were afraid we would not have power enough to resist the terrible Frenchmen and the dark men from Algeria that Napoleon had injected into the campaign, and with whom he intended to frighten the Germans. All of a sudden, while we were down in the cellar, there was the tramp of marching feet, and we went and looked out, and there came soldiers such as we had never seen before. Our soldiers were short men like myself, but these men averaged 6 feet in height, with feet 12 inches long [laughter], and they were dressed in the darkest blue,

such as we had never seen before. All of our soldiers wore the lightest blue. And when they came along in their march we asked who these fellows were, and we were told that these were the Pomeranians and the Mecklenbergers, the "whisky drinkers"—the fellows that drink whisky, 6 feet high—and they went on and attacked those Frenchmen and smashed them to pieces. They were whisky drinkers. Those are the good old German statistics, and before you pass upon a proposition of this kind you should get the statistics of these things.

I have been impressed by the interjections made by Senator Borah, and I am very sorry that he is not here, but in his absence I would call the attention of Senator Chilton to the fact that we are indebted to him for his kind attention in listening to all this talk, and I trust you will call Senator Borah's attention to these few remarks.

One thing seemed to be uppermost in his mind, as to the way in which national prohibition could be made effective. That was one point. Another point he raised, by way of illustration, calling attention to the fact of this great trouble in the West some years ago when, acting in a public capacity, he was charged with the suppression of those riots of strikers, similar, perhaps, to the condition now prevailing in the State of Colorado. We, of course, have had these strikes right along and have had to use those drastic means not only in Idaho; in the coal mines of Pennsylvania years ago the same thing had to be done. You remember that Grover Cleveland had to call out the Regular Army in order to establish order. The same thing is done in Germany in the coal regions.

You will find that in any great disturbance the first thing that is done is to shut up the public places. Of course, that must be done, because in times of stress and emergency men go to the different public places because those are the places where they meet, and they drink then because they are afflicted with sorrow and distress; they are afflicted with the conditions that exist there. That is their solace, and that is the reason for the drinking. Drinking under such conditions produces excesses, and excess means disorder and means violation of law, and it means the prevention of other honest men from working who want to work, and that is the reason these things are done.

What is the cause of it? It is not the existence of liquor. The cause of it is a condition. The Senator mixes up cause and effect. The situation is the cause in all conditions throughout the country. Want, stress of circumstances, and fear—there is your cause for nine-tenths of the excessive drinking; there is your cause for nine-tenths of this excessive libation.

You have got to give people better conditions if you want to solve this social problem. I am one of those who has stood for the labor movement from boyhood, and I was discussing these questions long before Brother Hobson appeared upon the public stage of this country. In discussing these questions I discussed them from the point of view of one of the greatest advocates of temperance, whose name is a hallowed one, whose name is enshrined in the heart of every good American man and woman, whose memory will live as long as this world exists. I refer to Miss Frances E. Willard. What did she say about this proposition? What was her answer to the proposition that seeks to remedy social conditions by the prohibition

of whisky and beer? Here is what she says: "The only way to have a sober people is to strike at the root of the evil which causes inebriety. Poverty, many hours of labor, the nerve strain under which men toil, the anxiety from the insecurity of their jobs; remove all of these, and in a short time the demand for stimulant would cease and drunkenness would be unknown."

That is the language of an expert who devoted a lifetime of endeavor to the great question of temperance, and she was not a prohibitionist. She was opposed to prohibition, because she had studied the question deeper than Mr. Hobson. No doubt he has the self-assurance of youth, when we all feel very positive about the correctness of our conceptions, the correctness of our beliefs; but as years go on and hair after hair drops off our head, and we turn gray instead of red, then our minds broaden and we commence to approach in a spirit of skepticism and investigation the things that are handed to us as absolute certainties. And when we seek under the surface, we often find what we took for cause was after all but effect and that the cause lies deeper.

I recommend the application of the power of analysis and of the power of investigation to the ingenious gentlemen who have evolved a preamble which would be a most splendid arraignment of social conditions throughout the land. It would be an arraignment that might fall from the lips of the socialist agitator in New York speaking from the steps of Franklin Monument in Printing House Square, until those big Irish policemen came and drove the crowd away, as they did the poor Jewish agitator down there the other day. It would not be saying anything worse than these people are saying in New York. Up there they are preaching of a socialistic life that is to come in this country. I think it may come, although I am not a socialist.

If Brother Hobson wants to remain logical in his propositions, and if he wants to remain as emphatically patriotic as conditions may permit him to be, he should also arraign society for permitting inequalities to exist, for permitting poverty to exist, for permitting insecurity of labor to exist, for permitting insecurity of these conditions that makes men fear and drives them into the rum house, and there makes them stay because the surroundings of the rum house are more peaceful and pleasant than the miseries that they have left at home. If you want to overcome those failings and let sunlight in his path, you will not do it by prohibition and by prohibiting the sale of liquor.

If you prohibit it he will find ways and means to make it for himself, and there would be nothing to prevent men from forming associations for this purpose. If this amendment should pass, preventing the manufacture or sale, there is nothing to prevent the manufacture for home use, there is absolutely nothing to prevent any number of men from coming together and forming a mutual cooperative protective association for manufacture and consumption for their own use. There would not be the slightest difficulty, and you will see that the genius of the American people will find a way to get around prohibition. You will see homes turned into whisky distilleries. It is the easiest thing in the world to make whisky.

Of course the time when you could make beer at home has passed by. The beer for drinking purposes to-day is so advanced over the beer that our ancestors used to make in England and Germany before the

days of the modern brewery that that beer would be unpalatable. Of course the beer drinker must answer for all this, although you do not want to injure him. Mr. Hobson does not want to strike at the beer people, but they are the very people who would be deprived of their drink. That would be the inevitable result of this step.

Now, in conclusion, I desire to call attention to the economic side of this matter; and that problem is simply this, when in my opinion you are confronted here with the abolition of breweries and you are confronted with the wiping out of the vineyards. The amount of grapes used for table use amounts to practically nothing in comparison with the quantity of grapes used for wine production. Brandy and wine are both made from the grape, and you are asked to wipe out all that business; you are asked to wipe out the distilleries, and with them all the cooperage establishments in the country, with the exception of a few coopers who manufacture for mercantile lines.

Now, after you do that, what are you going to do? In 1910 the brewers of this country had \$516,000,000 invested. In 1905, which is as far as I could go back, there were 48,139 men over 16 years of age employed in these breweries, and of course their number has been increased greatly. Statistics of the United States manufactures census bulletin No. 57, shows that the employees in the brewing industry are the best paid workmen in the country. The destruction of this industry alone will pull down with it into its ruin the greater part of the cooperage establishments, with the many millions invested. Then comes the glass blowers, the bottle works, machinery works, ice works, mining, and not the least, the growers of hops, of corn, and barley. all of which are used by brewers and distillers in enormous quantities.

The annual production of beer alone is now over 60,000,000 barrels, with an annual consumption of over 75,000,000 barrels of malt, 720,000,000 pounds of corn, and 45,000,000 pounds of hops. Figure the price of these staples at 75 cents per bushel of corn, \$1 per bushel of malt and barley, and 18 cents per pound for hops, there is an annual consumption of about \$95,000,000 worth of American farm products by the brewers alone, not to speak of what is used in their stables.

Now, add to that the immense quantities of rye used in distilleries and the value of the wine products—you have no idea of the value of the grapes used in wine production. In the State of New York, which is unknown as a wine-producing State, do you know that there are 60,000 acres in one county alone that are used for grape growing? And these grapes, which are used for wine, are not for table use at all. Table grapes to-day come almost exclusively from California, while the grapes in the State of New York are used for wine. Then across the border in Ohio they have almost 60,000 acres of land and many hundreds of people employed in those vineyards for the purpose of producing wine. California stands at the head of the list with 1,100,000 acres of land used for wine production. Imagine the immense number of farmers employed in that one industry, not to speak of those who are engaged in the business in other lines, the immense number of men who act as salesmen. Consider also the value of the real property, the value of the houses used in this business. Take, for instance—I am a New Yorker—go through the city

of New York and you will find in almost every block one or two of these places selling these drinks and the value of all those concerns would be absolutely ruined.

Take the barkeepers of the country, who have a union organization, and in that organization they have about 40,000 members who are employed in these restaurants and hotels. Then there is the immense amount of tax that is paid to the city and State governments. In the State of New York we charge every saloon \$1,200 a year in the bigger cities, and \$1,000 to \$800 and \$600 as we go down in the smaller places. In the State of Massachusetts the largest proportion of the revenue of the State is produced by the saloons. What is going to become of all the men thus employed in those States, and what is going to become of this property, and what is going to become of the institutions that are supported by this money? We have the greatest difficulty now to raise taxes to educate our children in the schools. If you deprive these States by Federal interference of the money that they receive from this taxation, you are going to deprive the Federal Government at the same time of \$70,000,000 a year income from the beer income alone, and on the entire business you will deprive the Government of \$225,000,000 of revenue a year, and you are going to put an amendment on the statute books that you can not enforce. You have got no money to enforce. To-day you are enforcing your revenue law because you get \$25 for each stamp and \$1 for every barrel of beer, and in that way you pay your revenue department. If you wipe out all these revenues-how are you going to organize effective machinery for the purpose of enforcing this Federal statute?

You depend upon what? You depend upon the State governments, and the State governments in the States where you are going to put this into operation are going to be as much opposed to Washington under those circumstances as was Calhoun and his nullifiers 80 years ago on that other grave question which led to so much bloodshed and destruction in the end. You will have another army of nullifiers throughout the land, who will refuse, openly if they dare, secretly if they do not, to carry into execution that Federal amendment. To-day it is the pride of every American citizen that no matter how miserably the State laws may be enforced, no matter how miserably we may enforce the laws of the city and county, no matter how careless we are in local legislation, when it comes to a Federal statute and when it comes to the enforcement of a United States law, you are up against an officer of the United States and there is another song sung. We all know there is respect for the Federal Government, because the Federal Government commands respect, and why has it commanded respect? Because it is understood to live according to the genius of the Federal Constitution, because it is understood not to transgress the line of demarcation drawn by the Constitution. This is a Government of granted powers and limited powers which it enjoys by reason of the free and voluntary consent of the States, and the moment you inject into the question a law, a statute, or an amendment that does not come up to that requirement, that respect for the authority of the Federal Government will cease, and it will be crushed to death under the disapproval and opposition of the States.

This amendment must bear the approval of 36 States, and we know what States Mr. Hobson has in mind. He knows he can not get New York; he knows he can not get the State of Illinois; he knows he can not get the State of Ohio or Indiana or Missouri or Wisconsin; he knows he can not get the States where three-fourths of the population of the American people reside. But he says, "We will get 36 States to pass this amendment," and, of course, I am enough of a constitutional lawyer to know that if you succeed in getting those 36 States by their legislatures to approve your bill, possibly you do not need to ask the people at all. You are asking about 150 men, in fact, to pass this amendment by which you are asking to sweep away this great natural instinctive right of the American people. Put down in cold type, cold figures, Mr. Senator, that is the proposition which confronts us to-day. The States do not ratify, but the State legislatures ratify; and two-thirds of the Senators, about 60 men in your House and about four times as many in the other House, are sufficient to inflict this great loss upon the American people. Senator, you are not going to be a party to any such scheme as that—to deal a death blow to respect for American law—to establish in its worst form a principle that will control the immense majority of the people by the hopelessly small minority?

The CHAIRMAN. Just a moment there— isn't that impossible? You see, while the Senate is composed of the representatives of States, the House is representative of the people, and every State—New York and Pennsylvania and Wisconsin and all the States—have representatives according to their population. Now, this question can not go to the people unless the representatives of the people, as well as the representatives of the States, submit it. It must get the votes of two-thirds of both Houses—both the representatives of the people and the representatives of the States—before it can be submitted.

Mr. WEISMAN. I fully realize that, and I appreciate the fact that as far as immediate action upon any recommendation of this committee is concerned it would not require such a disproportionate number as I have outlined, but the requirement would be in the final submission of the proposition to the legislatures of the various States.

But we must realize one thing in considering that proposition, and that is this: We are living in an age of neurasthenia; we are living in a nervous age; we are living in an age of reform; in an age of innovation; and every politician is susceptible to—pardon me for using that term. I know you gentlemen are all statesmen of the highest type. According to the Socialists you are just politicians, but I have a higher regard for you than that.

But I feel in this connection that you are not accustomed to this general feeling; this general politics that is brought in many legislative halls by the fellow who comes along with a threatening aspect and with a club in his hands and says, "You dare to vote against our proposition and we will make it hot for you. You won't come back." In this prohibition movement there is a great deal of that—of men full of most ardent spirits and ardent ideas—and we all know what the effect of such a situation is. Even in the State of New York, when you go about in the broad expanse of the State, you will find many men right out in our farming sections who have a great deal

of leisure time. There is the farmer who, during the long winter, sits down at his log fire and reads and reads and reads, and the more he reads of his magazine and pamphlet literature—a great deal of which I believe our friend Hobson has caused to be distributed—the more he reads of that stuff the more susceptible he becomes to the reformer. That, I think, Senator, would be an attempt to answer your interjection.

From the moral point of view, what would be the result of prohibition? Henry George condenses the proposition in the words: "Prohibition in a community where a large proportion of the people do not believe it is proper to deny the individual the right to use liquor leads to evasion of the law, deception, and hypocrisy on all sides." Then, again, it is inherent in a man to want that which is forbidden, "all of which is clearly in evidence in prohibition communities."

And Gilbert K. Chesterton, the English moralist, writing for the Illustrated London News regarding the effect of prohibition observed by him in one of our dry States, says:

See what a number of new sins the dry States succeed in creating in the course of failing to cure that of drunkenness. The man who gets and drinks liquor in spite of the law, as he naturally will, gets all the drunkenness he wants, with the following additions:

1. He has become a liar, doing one thing while pretending to do another.
2. He has become a bad citizen, intriguing against the law of his country and the efficiency of its public service.
3. He has become a coward, shrinking through personal fear of consequences from acts of which he is not morally ashamed.
4. He has become a seducer and a bad example, bribing other men to soil their own simplicity and dignity.
5. He has in all probability come much nearer than he would in any other way to having a craving for alcohol, for anything sought with such terrible secrecy and pertinacity has a great tendency to become magnetic and irresistible in itself.

And all that brought about in order to prevent a man getting a glass of whisky—which he gets after all. People who support such prohibitions can have no care for human morality at all.

In other words, prohibition does not prevent drink. If men can not satisfy their desire for drink openly they will get it surreptitiously, and if they can not get the article now made under proper conditions of manufacture they will resort to substitutes which in all likelihood would be far more injurious. It is not the existence of liquor which begets the desire, but it is because of the latter that liquor is manufactured, and the saloon exists because there is a demand for it. Prohibition does not effect but will increase this demand. It will not wipe out the social instinct that rallies men around the bottle, nor does it do away with any of the conditions that preserve the saloon. But, as is shown in Kansas, Maine, Tennessee, and others of our dry States, it will wipe out a high class of saloon and destroy the consumption of light beverages such as beer and wine and will call forth the "joint," the "still," where the vilest kind of strong liquor is consumed, to the moral and physical destruction of those who are bound, law or no law, to satisfy what develops into a craving devoid of all but its bare animal character. And mark the effect on law and its enforcement and the respect for law in such a community. State prohibition, where it exists, has produced the result that the value of an oath in the trial of a charge

of a liquor-law violation is utterly discounted, perjury becomes a habit. Blackmail and corruption go hand in hand with prohibition, because of its unnatural character and its impotence in commanding respect. It begets a degradation of the public service and disrespect for the law. This vicious poison is bound to permeate the body politic and to infect every other branch of the service. The liquor-law agitation is bound to become a permanent and overshadowing issue in elections. It will crowd out the consideration of vital moral and economic issues. A state of continual hysteria will be inevitable. The proof of this statement is furnished by the history of the States where prohibition at one time or another was enacted by constitutional amendment or otherwise.

In no case did the outraged minority permanently subside. Agitation continued and ultimately prohibition was overthrown. The recent struggle in the State of Maine, with its prohibition record of years, is a drastic example. The whole State, after a generation of Republican rule, owing to the Sturgis Act and Republican adherence to prohibition, was finally turned over to Democracy, who at once undertook to resubmit the entire question of prohibition to a vote of the people.

In the struggle attending is resubmission of the question, statistics were submitted showing—

That in 27 of the large centers of Maine there were for years 903 saloons doing an open liquor business.

That when the State administration sent deputies to close up these saloons the sale of liquor was driven into private homes and has gone on there to a great extent.

That in 1909 there were 707 persons, both men and women, committed for running saloons, "kitchen bars," or otherwise selling liquor.

That in the same year 3,069 persons were committed for intoxication.

That these arrests were only a fraction of the total extent of liquor selling and intoxication, and that a large proportion of the arrests for liquor selling were of those selling liquor in private homes.

That of the total 6,646 persons committed to jail in Maine in 1909 for all offenses, but little less than one-half, or 3,069, were sentenced for intoxication.

That nearly all the liquor sold was the worst kind of whisky, brandy, and gin, adulterated and misbranded and often poisoned. The records of the supreme judicial court of Maine proved this.

That there are 18 express companies organized and run for the sole purpose of transporting and selling whisky.

That enormous quantities of liquor came into the State by express and freight. In the city of Portland from 600 to 800 gallons of whisky arrived by freight every morning, and even in cities of only 1,500 inhabitants 50 quarts of whisky came by express every day.

That the rural regions were likewise filled with liquor selling by "pocket peddlers," the ordering of liquor by express, and an enormous consumption of hard cider.

That there was scarcely a drug store in the State which did not sell liquor. Of the total number of arrests a considerable proportion were those of druggists.



That the cocaine, morphine, and opium habits had spread to an appalling extent. The records of the chiefs of police showed this conclusively.

That 12.8 per cent of the whole number of divorces decreed were granted on specific grounds of intoxication; that of the 28.6 per cent of divorces granted on grounds of cruel and abusive treatment, a large number were directly traceable to intoxication, as also a large proportion of the 4.4 per cent granted on the ground of nonsupport.

That a large proportion of the inmates of the State insane asylums were alcoholics or were suffering from derangement caused indirectly by excess of alcoholism.

And all this under the blessings of prohibition.

Another example which indicates what may be expected if the Federal Constitution be amended as proposed is furnished by the State of Tennessee.

Says the Nashville Democrat:

Tennessee has now had three years of prohibition and fusion.

A little over a year ago the laws went into effect closing down distilleries and breweries, destroying the large values which had been invested in them and extending prohibition to the large cities. Since these confiscatory and prohibitory statutes were enacted what has happened; to what conditions has the State been reduced? The principal cities, Republican and Democratic—that is to say, Knoxville, Chattanooga, Nashville, and Memphis—have been and now are “wide-open” towns. The traffic has not diminished, and the consumption of the liquors has increased. As a “prohibitory” measure the statute is an acknowledged failure and why? Because the people of Tennessee are not in favor of prohibition. They do not want these laws enforced, and therefore they are not enforced. But while the laws are dead letters, save at short spasmodic intervals, they have brought about conditions unknown under the old rule.

There is a growing disregard for law because men are accustomed to observe its nonenforcement; while the authorities of the cities can close the open saloon, they can not suppress clandestine traffic, and making the best of a bad condition they overlook the open saloon; but the power to close an open saloon and break up the proprietor of an expensive establishment is a power that even an honest but ambitious officer can exert with great political effect, and it is also a power for graft.

There is no reasonable belief that conditions under Federal prohibition would be different; on the contrary, in States like New York, the effect would be absolutely demoralizing. The enforcement of the act through the Federal Government would be practically impossible. The State would be adverse to it and render little or no aid. The law would be a farce, would be certain to be held in contempt, and the ultimate effect would be a continuous conflict for its abolition with its subordination of every great public issue to the question of prohibition or liberty.

The CHAIRMAN. I am obliged to leave at 2 o'clock for a time. There is a committee that will sit then, but I will return as soon as possible.

#### STATEMENT OF MISS ANNA ADAMS GORDON, OF EVANSTON, ILL.

Miss GORDON. May I have just a word, Mr. Chairman? There is something that this gentleman has said that I would like to answer. He spoke of a great woman, Frances E. Willard, and we want to

thank him for the tribute he paid that marvelous woman, but I want to tell the gentleman—and I am sure he will take it in good spirit and will be glad to have the record made clear by my statement—I was with Frances E. Willard for 21 consecutive years as her private secretary and coworker. I heard every address that Frances E. Willard made. I was made the literary executor by the terms of her will and have written her biography.

Frances E. Willard never, Mr. Weisman, lost her profound interest in national prohibition, and in the closing hours of her life then, as did her successor, Mrs. Stevens—and I hope I may have a chance to stand up for her State at some future time—Frances E. Willard in her closing hours was a firm believer in national prohibition. She has been misquoted again and again, but the woman whose statue is in yonder Statuary Hall, sent there by the Legislature of Illinois, representing all faiths, all beliefs, on the question we have here under discussion, showing the great hold that she had upon her State, stood every moment, every day of her life, for the 21 years that I knew her, up to her closing moments, for the abolition of the liquor traffic.

Mr. WEISMAN. I desire to say that I quoted from a statement that has been attributed to her. I wish to state that even if she were a prohibitionist my sentiments revering her memory would not change.

Mr. MOWITZ. In closing for those opposed to this resolution, I desire to thank the committee for their patience and kindness in hearing us. I will ask Mr. Adolph Timm, secretary of the National German-American Alliance, to present the resolution of the alliance protesting against the adoption of the resolution under consideration.

**STATEMENT OF MR. ADOLPH TIMM, OF PHILADELPHIA, PA.,  
NATIONAL SECRETARY OF THE GERMAN-AMERICAN ALLIANCE.**

Mr. TIMM. I beg to file, in behalf of the National German-American Alliance, its resolution against national prohibition.

**RESOLUTIONS ADOPTED BY THE ST. LOUIS CONVENTION OF THE NATIONAL GERMAN-AMERICAN ALLIANCE HELD OCTOBER 6-10, 1913.**

Whereas certain organizations, disregarding the equal rights of American citizenship and the principles of equity and justice guaranteed by the Constitution of the United States of America, are endeavoring to coerce Congress to submit and have enacted into law an amendment to the Federal Constitution providing for national prohibition; and

Whereas we believe these organizations to be actuated either by selfish mercenary motives, artfully and hypocritically masqueraded, under the charitable guise of the clerical cloak or by intollerant fanaticism, or in some instances by well-meaning but misguided philanthropy; and

Whereas there still exists in the breast of every true American that spirit of freedom which prompted the patriotic founders of this Republic to guarantee to its citizens the separation of the church from the State and the right to "life, liberty, and the pursuit of happiness"; and

Whereas there could be no formidable movement to urge such outrageous violations of the natural right of man to choose his own food, wearing apparel, and mode of attaining happiness without the cooperation and assistance of certain church organizations: Now, therefore, be it

*Resolved*, That the constitutional right of the individual citizen of this country to freedom from this tyranny of sumptuary legislation and temporary majorities is the most precious characteristic of our liberty and that we most

emphatically condemn any attack upon it, especially through the Federal Government;

That we denounce as utterly unworthy of the proud title "American citizen" those who are attempting to coerce the Members of the Senate and House of Representatives of the United States into lending their sanction to any scheme of pseudoreligious bigots and zealots to control the personal sanction of law-abiding citizens;

That we respectfully petition the Members of Congress to consider no proposed legislation tending to refrain from adopting any national prohibition measure, being warned by the increasing use of strong, adulterated, and inferior liquors and deadly drug, contemporaneous with the adoption of so-called prohibition statutes by several States of this Union.

Mr. TIMM. Now, we have received numerous letters from other speakers, asking to be excused from coming to-day. Many have expressed surprise that at such a time, when a war is at hand, such hearings should take place. They do not believe that either side should have time to come here to Washington when there is other work to do, and therefore I propose to our friends on the other side that we stop—and we will do it, also—this agitation against or for prohibition, and the able-bodied men could go to the front and the women could devote their time to work for the Red Cross.

I thank you.

The CHAIRMAN. I want to say for the benefit of you gentlemen that there probably will be some other hearings on this subject.

#### **STATEMENT OF MR. HENRY NOLDA, REPRESENTING THE CENTRAL LABOR UNION, WASHINGTON, D. C.**

Mr. NOLDA. I represent the Central Labor Union. I would like to say that in the event that this issue is taken before Congress it becomes a national issue. The labor movement has never heretofore taken a stand upon the liquor question, but if it becomes a national issue, I think I am safe in saying that from an industrial point of view it will be fought by the labor organizations. The labor organizations will stand upon this as an industrial question and will, in my opinion, unite and fight it man to man as an issue, because where so many of our brethren depend for a livelihood upon the maintenance of this business it becomes a factor with us.

The gentlemen have spoken about sobriety. Look at the vast number of people employed in these different industries, brewers, barkeepers, and so forth, and then look at the sobriety among these people in comparison to the temptation that they have got to overcome daily. It is a rarity to find among these many people any who are not sober. They have to be sober. They have got to run the business to the interest of the man. So the very fact of these things being brewed or being distilled is not dangerous so much as the impurities which are a menace to health, and if those who are in favor of this legislation would endeavor to get a law for the purity of these articles and would devote their time to seeing that the purity of this article is maintained to what it should be, in my opinion, it would be a benefit and a justice to the Nation at large. If that statement is correct which Senator Borah read, any firm that will deliberately go to work and give names out to an institution—if their wares were no better than the principles of such a firm, then, I think, their wares must be very, very poor stock. If the liquors of this country were

more stringently looked into, so far as purity is concerned, not so far as being high in proof, but in regard to adulteration—if these things were more looked after, it would be better for the public. There are adulterations in them that will drive people crazy. You can get whisky, so I am told, of which one drink will set a man drunk; then again you can get whisky the effect of which is quite different.

Now, I do not want to take up your time any further, and I thank you for this privilege.

The CHAIRMAN. Congressman Bartholdt, how would it suit you to hold another hearing? Will you be here next Tuesday?

**STATEMENT OF HON. RICHARD BARTHOLDT, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF MISSOURI.**

Mr. BARTHOLDT. I am not particular about being heard. If I do speak, I would like to have five or six hours, not five or six minutes. It is hardly worth while to start this question unless you cover it thoroughly.

In a few words, I merely wish to say that I can not bring myself to take this movement seriously. I do not think that the intelligent people of this country can seriously and honestly believe that the adoption of this amendment will promote what they call temperance, because it will not. Then I can not for one minute believe that it can be the intention of Congress by the passage of this constitutional amendment to confiscate a thousand million dollars' worth of property. I do not think that Congress or any legislature has the right to take away my property which I have legally acquired. I am not interested to the extent of one penny in the traffic or production of beer or anything else, but how they can by legal process take away my property I can not see. If you make it simply a question of majority, it would be simple enough. If any community consists of three persons and two of those persons would like the third person's property, the two simply vote to take his property. Do you propose to permit such a thing?

That property, that trade, has been acquired legitimately. It has been built up under the laws of municipalities, of the States, and of the United States. Many thousands of those men have put all they possess into the building up of their business, and the majority of them—I know a good many brewers and I know quite a large number of distillers and wine brewers—and the vast majority of them are good, law-abiding American citizens, who do not wish to do anybody any harm. They merely cater to the trade, to the demand. If the demand were not in existence the trade would be wiped out. You could put 100 saloons in any one block in this city and every one of them would have to be closed if we people would become accustomed not to drink, not to patronize them. That would wipe out the trade in the country.

If I made up my mind not to drink and everybody else in the United States should do the same, the trade would be killed, and that is the only way to kill it. Mr. Chairman; the only possible way to kill it. And therefore I have said in previous Congresses to the reverend gentlemen who appeared before these committees that these

reverend gentlemen had the only means in their hands to suppress this evil—if it be an evil—namely, by moral suasion; by staying in their pulpits and in their churches and educating the children and the men and women to be sober and moderate in the use of it, or not to use it at all. That is the only way to do it; you can not do it by legislation. Every virtue must come from within; it can not be legislated into you from without; and so sobriety and honesty must be based upon your personal condition, and if you are satisfied in your conscience that it is wrong to drink, you will not drink; but if a policeman with a club tells you that it is wrong, you will question his authority unless your conscience tells you definitely. That is the theosophical basis of this whole question.

A few years ago, Mr. Chairman—I merely wish to mention this one incident—in Switzerland, the Government of that little Republic became satisfied that absinthe was dangerous for consumption and they came to the conclusion that it would be well to prohibit the manufacture and sale of absinthe. Of course they are drinking beer and wine and probably whisky, but absinthe they decided should be prohibited. Now, what did they do in connection with this legislation which passed their national legislature? They passed an amendment providing for proper compensation for those people who would sustain losses. They coupled with it a provision that damages should be assessed in accordance with the amount of the losses sustained by the manufacturers and by the retailers, and they appointed a commission for that purpose, and that commission is now at work assessing damages, and that little Republic is paying now the damages that have been assessed because of the prohibition of absinthe. Now, that, in my judgment, is the civilized way of doing this thing.

Mr. HOBSON. Would the gentleman answer—if that proposition were incorporated in this resolution, would he be in favor of national prohibition?

Mr. BARTHOLDT. No; I would not be in favor of it for the simple reason that I believe it is ineffectual. A national-prohibition law is necessarily ineffectual, and the very language of the amendment indicates that you simply promote home drunkenness by passing such a law, because every man can make it for himself, and since 82 per cent of the American people are now consumers of alcoholic drinks and beverages, this 82 per cent will continue to desire it. If the manufacture by wholesale is prohibited, they will make it at home for themselves and you would introduce whisky into many a home to-day that does not know it. You would make a whisky or a liquor drinker out of many a man who is now satisfied with a mild glass of beer, which does not affect him in the least. Therefore, I say this amendment is in the direction of drunkenness instead of sobriety and temperance.

I thank you, gentlemen.

Mr. HOBSON. Mr. Chairman, you will recollect that both Mr. Dinwiddie and myself asked permission to be heard in rebuttal?

The CHAIRMAN. Yes; the committee is going to do that.

Mr. HOBSON. If you will give us a day some time next week.

The CHAIRMAN. We will take that up and fix the time. I can not do it now, because I do not know exactly what my engagements are for next week.

Rev. HENRY COLMAN. Mr. Chairman, may I be allowed to file with you for insertion in the record my written statement?

The CHAIRMAN. That may be done.

(The matter permitted to be inserted is as follows:)

STATEMENT OF REV. HENRY COLMAN, OF MILWAUKEE, WIS.

Mr. Chairman and gentlemen of the committee, national prohibition would at once make the traffic in every part of the national domain an outlaw. No town, city, county, or State, not even the National Congress, could legalize it. The effect of this upon law-abiding people, who may think of patronizing the traffic or of engaging in it, or upon communities, electing officers for enforcing law, can only be estimated.

Governments do not tax illegal transactions, such as lotteries, thieving, or harlotry. This amendment would drive the traffic from the honorable position of a taxpayer. All are familiar with the remark of President Lincoln that he would sooner lose his right hand than to sign the bill to raise a Government revenue from alcoholic beverages, and that he consented only when leaders of Congress pledged him that it would be repealed as soon as the war closed. He did not live to demand the redemption of that pledge. This amendment would redeem it, and would lessen the terribly evil influence the liquor men exert upon the politics of the country. The ever-repeated boast that they largely support the Government or that they lessen the burden of taxes upon a municipality would never again tempt the taxpaying voters to harbor the saloon or any substitute for it. Revenue from alcoholics would no longer blind voters to the terrible evils caused by the traffic, and citizens would be much more zealous in eliminating liquor selling, even to the very bottom of the bootleg. One of the most powerful supports of liquordom would be removed.

The statement of Rev. T. M. Hare that the largest brewery in West Virginia is preparing to engage in the meat business, even before the State prohibition law takes effect, is indicative of Nation-wide results from the adoption of national prohibition. It will necessarily be very difficult to carry on openly the great breweries and distilleries that now make possible the Liquor Trust of America. Combinations of "bootleggers" and "moonshiners" might be formed, but these are crippled weaklings compared with the giant legalized breweries and distilleries; the "moonshiner," dodging from cellar to garret, watching from his mountain cavern for the officer of the law, could not flood dry territory as does the huge factory, protected by law in making if not in all the distributing of liquors.

It is expected that this amendment will not interfere with the authority of State or municipality in legislating against the liquor traffic, provided that no such enactments antagonize the laws of the United States. Experience indicates that often the State officers can be induced to act when the national officers can not, and on other occasions or in other places the national officers act when the State officers decline; thus this amendment will result in an increase of law enforcement. It is well known that many large cities will not elect officers to enforce prohibition, even if the State law requires them to do so. If officers do prove faithful to their oath they soon are retired from the service, but national officers are liable to dismissal if they neglect law enforcement, for we have a right to expect that after the Nation has adopted prohibition by a vote of three-fourths of the State legislatures the people will elect a President who will see that the law is generally enforced. Certainly conditions in many of our large cities could not be much worse than now, and throughout at least four-fifths of the Nation the open traffic would cease. The open traffic is very much more powerful for evil and fruitful of misery and crime than the secret traffic. One of the leading lawyers of Milwaukee years ago assured me that prohibition does not prohibit in Maine, for once, after considerable difficulty, he convinced a Portland hotel clerk that he was soon to leave the city, the clerk took a large bunch of keys, led him through one large room into another, unlocked a case, and supplied him. The retort, "I wish we had such prohibition in Milwaukee," silenced the lawyer. Outlawed vice is always weaker than legalized vice.

Outlawry seldom advertises extensively in the open. Decrease in advertising alcoholics means decrease in consumption, but much more it means also decrease of power over the press, especially over the dailies of the country. Liquor-adver-

tising columns and temperance editorials do not coordinate. Our daly papers seldom advocate total abstinence and very generally slur at prohibition. The income of one great daily from liquor advertising is \$40,000 per year. Two or three years ago in hot days the Chicago Tribune, in a front-page, head-lined column stated that a \$2,000 advertisement had been given by the brewers to other dailies of the city, but the Tribune was omitted. Inquiry elicited the reply that the day before the Tribune had stated that beer is not a protection against sunstroke. I was reliably told that the Milwaukee representative of the breweries sent word to the dailies not to notice the great Catholic total-abstinence parade in Chicago. One paper gave the parade two inches of space and was fined the loss of liquor "ads" for three months. I repeated this to the chief editor of that paper, who did not deny it.

With a goodly number of the great dailies allies, not enemies, temperance victories would multiply rapidly.

The CHAIRMAN. We will now adjourn.

(Thereupon, at 2 o'clock p. m., the committee adjourned, subject to the call of the chairman.)







# INTOXICATING LIQUORS

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## HEARINGS

BEFORE THE

## COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

SIXTY-THIRD CONGRESS

SECOND SESSION

ON

## INTOXICATING LIQUORS

---

Serial 6—Parts 1 and 2

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THURSDAY, DECEMBER 11, 1913

WEDNESDAY, APRIL 15, 1914



WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1914



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## COMMITTEE ON THE JUDICIARY.

### HOUSE OF REPRESENTATIVES.

#### SIXTY-THIRD CONGRESS.

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J. J. SPEIGHT, Clerk.

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## INTOXICATING LIQUORS.

### SERIAL 6, PART 1.

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#### COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, *Thursday, December 11, 1913.*

The committee this day met, Hon. Henry D. Clayton (chairman) presiding.

The CHAIRMAN. Gentlemen, this is the regular meeting day for the committee, and we have quite a number of matters to consider. While we are considering bills relating to trust regulation and various features of the trust problem, Capt. Hobson has asked me and several members of the committee that he be allowed to appear here to-day, with other advocates and friends of the measure which he has introduced, House joint resolution 168, and make some remarks in its behalf. The committee will hear him with great pleasure.

(The resolution under consideration is as follows:)

[H. J. Res. 168, Sixty-third Congress, second session.]

JOINT RESOLUTION Proposing an amendment to the Constitution of the United States.

Whereas exact scientific research has demonstrated that alcohol is a narcotic poison destructive and degenerating to the human organism, and that its distribution as a beverage or contained in foods lays a staggering economic burden upon the shoulders of the people, lowers to an appalling degree the average standard of character of our citizenship, thereby undermining the public morals and the foundation of free institutions, produces widespread crime, pauperism, and insanity, inflicts disease and untimely death upon hundreds of thousands of citizens and blights with degeneracy their children unborn, threatening the future integrity and the very life of the Nation: Therefore be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment of the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution.*

## "ARTICLE —.

"SECTION 1. The sale, manufacture for sale, transportation for sale, importation for sale, and exportation for sale of intoxicating liquors for beverage purposes in the United States and all territory subject to the jurisdiction thereof are forever prohibited.

"SEC. 2. Congress shall have power to provide for the manufacture, sale, importation, and transportation of intoxicating liquors for sacramental, medicinal, mechanical, pharmaceutical, or scientific purposes, or for use in the arts, and shall have power to enforce this article by all needful legislation."

**STATEMENT OF HON. RICHMOND P. HOBSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALABAMA.**

MR. HOBSON. Mr. Chairman and gentlemen of the committee, yesterday there was a meeting of a committee of 1,000, the members of which came from all parts of the Union. This committee of 1,000, I may mention, was authorized to be appointed by the National Antisaloon League convention which convened at Columbus, Ohio, the second week in November. A committee of the National Woman's Christian Temperance Union joined them yesterday to petition Congress. They assembled in the exercise of their constitutional right to meet and petition the Congress for redress of grievances and requested Senator Sheppard, on the part of the Senate, and myself, on the part of the House, to introduce a joint resolution, which is here now as House joint resolution 168.

I have taken the liberty of requesting the indulgence of the committee to permit the official beginning of the hearings on that resolution to-day, not for the purpose of extending those hearings in any way whatsoever, but in order to have the courtesy of the full committee to permit the hearings to be opened to-day while the officers are here in Washington, preparing the way for further hearings to be held by the subcommittee to which this resolution is soon to be referred.

Mr. Chairman, I shall beg indulgence for five minutes myself to make a very brief statement. I wish to say that I took great pleasure in accepting the honor of introducing this House joint resolution, not only because it was done in the order in which the Constitution provides that petitions shall be made to Congress, but also because I am in full sympathy with the purposes of the resolution. These investigations that I have had the opportunity to make have convinced me that the disease growing out of the use of alcohol by the human race is an organic disease, that it grew out of and is perpetuated out of the nature of alcohol and its relations to the human organism, and has been due partly to the fact that humanity has not understood the nature of alcohol and its effects upon the human organism, and that the full truth upon that subject will convince humanity, rational beings, that the use is not rational, and that it is in its present form really a great organic disease with which humanity has been struggling for many generations in an opportunity to throw it off, and has yet been unable to do so.

Now, I will not enter into that discussion further, but, in the course of the hearings, men will appear here—authorities on that subject—who will demonstrate to the satisfaction of the committee, I am sure, and to the satisfaction of Congress, and to the satisfaction of the American people, or at least those who will take the pains to look into the hearings, first, that alcohol is a toxin, a waste prod-

uct of uving organism; second, that those living organisms, being very low in the order of being, their toxin is a poison to all orders of being higher than the order of being that excretes them, making alcohol a universal poison to all beings that are of a higher order than the yeast germ, and the yeast germ is a single cell, a single nucleus germ, which is below all plant life and which is below all animal life. So that the demonstration will be, first, that alcohol is a protoplasmic poison in all forms of life with which we come into contact or of which we have any knowledge, except a few of the same order as the yeast germ itself; that for all those forms of life alcohol is a poison; secondly, men will appear here who will give a demonstration of this proposition: That not only is alcohol a protoplasmic poison, a poison to every living tissue, but it partakes of the characteristics of certain poisons of lower forms of the hydrocarbon class, and that it has a certain affinity for certain particular tissue. They will demonstrate to you that alcohol has an affinity, a poisonous appetite or affinity for the tissue of any of these living organisms which is latest in the organism of evolution, the youngest or tenderest for the plant or animal. If it is evolved along one particular line, this particular poison will have an effect upon the cells that nature is building and will end, if repeated, first by paralysis, then atrophy, and then causing to disappear this living tissue, which will set back that creature to lower conditions of mind. In other words, it is a degenerating poison.

Then the other demonstrations which will be made to your subcommittee by men who are authorities on the subject will be: That whenever degeneracy sets in the living creature, reversing the process of nature which is a building process for every species of nature, nature proceeds to exterminate always, and that she adopts two definite methods. First is the method to shorten the normal average life of the creature that is degenerated. Second, to blight the progeny or offspring of that creature so that degeneration will tend to eliminate them. I will not go into particulars now, but they will demonstrate in particular, taking the average life from the age of 20, that what is known as average moderate drinking will shorten the average span of life by 14 years. They will demonstrate that what would be regarded in life insurance as heavy drinking, beginning at age 20, will shorten the span of life about 29 or 30 years. A further demonstration will be made that the natural result of this widespread use of this toxin is to enormously increase the mortality of our people, and incidentally, when nature has started in to shorten life she has many means available, and when she has, as it were, signed the death warrant on account of degeneracy, those other symptoms or means or avenues appear which, in the ordinary course of things take the form of insanity, imbecility, disease, pauperism, crime and the like, all those ills that strike at the root of the senses and at the perpetuity of organized society. The second thing they will show is that when degeneracy sets in the blight of the offspring is inevitable, and that what is known as moderate drinking will cause a very large increase in the percentage of deaths of infants, and of miscarriages of infants, and of ills to those afterbirths to those who survive; that if both parents are alcoholic, one child in six will be normal. If both of the parents are abstainers, nine out of ten will be normal. Those



two demonstrations show that what we are dealing with is substantially the enemy of life, of creation. We can not fathom why the Almighty made the universe as it is, but what science now establishes is that this evolutionary building process in life that goes on in every form of life is exactly reversed by alcohol.

Having demonstrated that proposition, gentlemen, the rest will follow, and I beg the indulgence of the committee to be permitted at some future time to extend my remarks on the subject in a full hearing. The rest follows, and it requires organic treatment, and organic treatment is what goes to the organs themselves. Therefore, irrespective of the views of individual legislators, if the demonstration is made, as we think it will be made, that this is an organic disease, then it follows that the organs and the tissues should rise up and throw off all forms of disease. In other words, if we can demonstrate that this is an organic disease, we have a right to ask for what is necessary to accomplish that end. I hope you will realize that while there were only a few of that committee of 1,000 that appeared here yesterday, they represented a majority of the American people. They came from a convention called by the anti-saloon league, and at that convention there were 97 national organizations represented. I will not enumerate them, but I will put them in the hearings in due form.

Mr. CARLIN. Just hand them to the stenographer, Captain.

Mr. HOBSON. Yes, sir.

(Said list follows.)

Woman's Christian Temperance Union.  
 Prohibition Party.  
 Anti-Saloon League.  
 National Temperance Society.  
 Connecticut Temperance Union.  
 Sons of Temperance.  
 Denmark Woman's Christian Temperance Union.  
 Methodist Church Temperance Society.  
 Catholic Total Abstinence Union.  
 Asian Armenian Dry Forces.  
 National Good Citizenship Movement.  
 City of Auburn Temperance Association.  
 Woman's Temperance League of America.  
 Intercollegiate Prohibition Association.  
 American Temperance Board of the Christian Church.  
 Temperance Society of All Churches of Utah.  
 Lincoln Chautauqua Voters' Information Bureau.  
 American Christian Convention.  
 Friends' Church Temperance Society.  
 Five county no-license leagues of southern Pennsylvania.  
 Ten Million Welfare League.  
 Civic Federation of Iowa.  
 Good Templars.  
 Twentieth Century Pledge-Signing Association.  
 National Prohibition Committee.  
 Presbyterian Temperance Board.  
 Friends' Church Temperance Association.  
 Temperance and purity department of Kentucky Sunday School Association.  
 Lincoln-Lee Legion.  
 Catholic Woman's Auxiliary.  
 Kansas State Temperance Union.  
 North Dakota Law Enforcement League.  
 Scientific Temperance Federation.  
 Ohio Senior Loyal Temperance Legion.  
 Woman's Christian Union.

Polish Catholic Total Abstinence Union.  
Civic League of Indiana.  
International Reform Bureau.  
National Reform Association.  
Pittsburgh Ratification Temperance Association.  
Evangelical Lutheran Temperance Committee.  
National Temperance Bureau.  
Interchurch Temperance Federation.  
Dominion Temperance Alliance.

CHURCHES.

Catholic Church.  
Methodist Episcopal.  
Methodist Episcopal Church South.  
Presbyterian.  
Disciples.  
United Presbyterian.  
Friends.  
Brethren.  
Baptist.  
Congregational.  
Church of Jesus Christ of Latter-Day Saints (Mormon).  
Lutheran.  
Evangelical Lutheran.  
Salvation Army.  
Universalist.  
Evangelical Association.  
United Evangelical Church.  
Reform.  
Moravian.  
Methodist Protestant, 20 churches.  
International Sunday School Association and representatives from many Sunday schools.  
Bible class department of the Methodist Episcopal Church South.  
Young Men's Baraca movement.  
Catch My Pal movement.  
Ohio Sunday School Association.  
Presbyterian Brotherhood.  
German Temperance Society of Mennonite Church.

YOUNG PEOPLE'S SOCIETIES.

Christian Endeavor.  
Epworth League.  
Young People's Christian Union of the United Presbyterian Church.  
Young People's Alliance of the Evangelical Church.  
International Young Men's Christian Association.  
Railroad Young Men's Christian Association.  
Methodist Home Missionary Society.  
Young People's Civic League.  
Union Club of Greater Cincinnati.  
Gideons.  
Keystone League of Christian Endeavor.

PAPERS.

Clean Politics.  
American Advance.  
Pittsburgh Christian Advocate.  
The American Patriot.  
The Continent.  
Youth's Instructor.  
The American Issue.  
The New Republic.  
Express Advertiser, Portland, Me.  
Christian Union Herald.  
United States House of Representatives.

Republican Party (in official) (omitted).  
The Friends of Abraham Lincoln and Henry W. Grady.  
Christian Instructor, Pittsburgh.  
Ohio State Federation of Colored Women's Clubs.  
All Humanity (omitted).  
Also God, Home and Native Land.  
United Society of Christian Endeavor.

There were represented there all churches, Catholic, Protestant, and Mormon, all uplift societies and all nations. I can not now think of, or I do not suppose any member here can think of, any national organization of an uplift nature that was not represented, and their mandate was unanimous to petition Congress. Gentlemen of the committee, this resolution has behind it the conscience of this Nation, a conscience that is based upon conviction, and every day of discussion only makes the irresistible truth the clearer, and as fast as truth reaches the hearts of men and conscience is aroused the truth of this great mystery becomes clearer.

I do not think it is necessary for me to tell you that already 55 per cent of the people of the United States live in prohibition territory, made prohibition by their own votes, and that to-day 72 per cent of all the land area of this Nation is under prohibition, and the conviction of good men everywhere is that if you will give the people of the Nation a fair chance to make prohibition national in an organic way, after you have gone to the people themselves and they have given their mandate, that it will then prohibit.

One further point and I am done. I want to particularly call the attention of the members of the committee to the form in which the resolution is drawn, in every case prohibiting only when the commodity is for sale. In the domain of the individual where it does not affect others before the States, in the domain of his home, the castle around which a wall is built, this makes no intrusion. It is only when the poison of a deadly nature is put out into the veins and arteries of the Nation for distribution to the rest of the tissues in the channels of trade, then will the power in the hands of the law by this resolution fall and prevent it.

Mr. Chairman, reserving the right to make a full statement at some future time in my own name, I take pleasure now in introducing to the committee the representative of the Anti-Saloon League of America, Dr. E. S. Baker.

#### STATEMENT OF DR. E. S. BAKER.

DR. BAKER. Gentlemen of the committee, I understand that it is not the purpose now to extend the hearing on this resolution. From time to time we will call and introduce to you men who have made a thorough study of the proposition who will present it to you in its various phases.

The antisaloon league convention, held in Columbus, Ohio, from the 10th to the 13th of November, consisted of about 4,000 delegates from all parts of the United States and represented all denominations and all political faiths. They remained there for, in fact, four days discussing this question and made the declaration, as a representative body, and then authorized the appointment of a committee of 1,000 men, who should come to Washington on yesterday and for-

mally present, through the Representatives of the two branches of Congress, the constitutional amendment which we expected to work for. It was not a question of securing the thousand men. It was rather a question of keeping it down to 2,000, and the result was that there came here yesterday from all parts of the country about 2,000 men, only about 70 representing this city, I think. They assembled here for the presentation of this joint resolution. I should like to file as a part of the hearings of this committee especially the address made yesterday by Mr. Charington, representing the committee of 1,000, editor of the official publication of the Antisaloon League of America, and the address of ex-Gov. Patterson, of Tennessee, if I may do this as a part of the record of this hearing.

The CHAIRMAN. Hand them to the official stenographer and they will be incorporated in the proceedings.

Dr. BAKER. Now, just a word in conclusion: It may be in the minds of some of you on this committee who are busy with work here that this appeal for national prohibition is premature. I am sure that that is in the minds of many men, thoughtful men, men who believe in the curtailing of and restriction and final abolition of the liquor traffic. I may say that on an average 1,500,000 people have abolished saloons in this country each year for 20 years. Twenty years ago a little more than 16,000,000 people, mostly in the South country, were living in prohibition territory. At this time about 47,000,000, a majority of the population of the United States, are living in territory from which the saloon has been legally excluded. When you were kind enough to report from this committee to Congress the interstate commerce measure which has now become a law, that law became enforceable in every part of the Republic, in every Commonwealth that had put itself in line with Federal legislation. Very naturally the next question was, "What is the next step?" There is but one next step, and that is the abolition of the traffic. Seventy-one per cent of the territorial area of this Republic is now under prohibition. Some one says, "Is it possible to secure the necessary 36 States for the ratification of such an amendment?" Thirty-six States in this Republic can now be selected that have in them fewer saloons in the aggregate than the single city of New York, and the local-option proposition, which has been beneficial in the past, has been so beneficial that it has demonstrated its ineffectiveness and inefficiency in many of the States in the country to meet the present state of the public sentiment on this question throughout this country. So we are not premature in asking this. We simply ask of you as a committee and of the Congress of the United States not to express your opinion upon the question as to whether or not national prohibition is timely or proper, but to hand it back to us as States that we may in the proper way, in the constitutional way, and by legal means decide, as States, whether or not the time is ripe for nationwide constitutional prohibition.

I thank you.

Mr. HOBSON. Mr. Chairman, I will next take pleasure in introducing—passing by the National W. C. T. U. in order that the next speaker may get away in time to make an engagement—Dr. Rufus W. Miller, representing the Commission of the Federated Churches of America.

**STATEMENT OF DR. RUFUS W. MILLER.**

Dr. MILLER. Mr. Chairman and members of the committee, I have the honor to represent the Commission on Temperance of the Federal Council of Churches of Christ in America, which is now in session in this city. The Federal Council of Churches represents through official connection the highest ecclesiastical adjudicatories of the constituent bodies of 30 denominations of this land, representing 16,000,000 members in the Sunday schools of the United States. At the meeting of this federal council held last December in Chicago the council took high ground on the subject of total abstinence for the individual and prohibition for the State and Nation. These denominations through their highest ecclesiastical bodies have spoken likewise on the same subject. This commission is a federated movement representing the various churches and is therefore an official commission representing 30 of the leading Protestant and other denominations of the United States.

We believe, Mr. Chairman, that while this matter seems impossible, the fact is that the only difference between a difficulty and an impossibility is that one takes a little longer time than the other and we think that the growing conviction of the membership of the churches of this land is decidedly in favor of prohibition for State and Nation, as represented by the constantly increasing high standard of action taken by these adjudicatories which represent in an official way the lay members of the churches as well as the ministers. I thank you.

Mr. HOBSON. Mr. Chairman, I now take pleasure in presenting to the committee Mrs. Lillian M. N. Stevens, national president of the Woman's Christian Temperance Union of the United States.

**STATEMENT OF MRS. LILLIAN M. N. STEVENS, NATIONAL PRESIDENT OF THE WOMAN'S CHRISTIAN TEMPERANCE UNION.**

Mrs. STEVENS. Mr. Chairman and gentlemen of the Judiciary Committee, the women who are here this morning represent the National Woman's Christian Temperance Union, a society which has organized in every State with thousands of local unions and hundreds of thousands of members. The chief object of our society is to protect the home from everything which hurts and destroys. We know that strong drink is the great home-destroying, heart breaking evil of the day, and we are therefore working for the overthrow of the liquor traffic. Our organization is not only nation wide but world wide. Early in October the world's Woman's Christian Temperance Union convention met in Brooklyn, representing 45 nations of the world, and they resolved in favor of prohibition for every land. Immediately following that the National Woman's Christian Temperance Union convened in New Jersey, with delegates from every State and each of the hundreds of delegates convened there represented a constituency, a working constituency of the 500 women at home, the home women members of the Woman's Christian Temperance Union. At that convention we made plans for a campaign for national constitutional prohibition. We voted to use all of our influence and all of our great equipment, and I assure you, gentlemen, the Woman's Christian Temperance Union has a great equipment to do everything

within our power to secure national prohibition, and we voted unanimously in favor of working to secure the adoption of the amendment for national constitutional prohibition in accordance with the joint resolution introduced in Congress by Richmond Pearson Hobson of Alabama.

Gentlemen, this in brief is the attitude of the Woman's National Christian Temperance Union. There is much which I would like to say to you, but I must forbear, and especially as we are given the privilege of having brief remarks from two of our prominent members who are present, the president of the New York W. C. T. U., Mrs. Boole, and Mrs. Armor, of Georgia. I would like to file what I would like to have said had time permitted.

The CHAIRMAN. Hand it to the official reporter and it will be incorporated in the hearings.

#### PROCLAMATION FOR NATIONAL CONSTITUTIONAL PROHIBITION.

[Lillian M. N. Stevens, president National Woman's Christian Temperance Union, Portland, Me., Sept. 10, 1911.]

Whereas modern science has definitely established for all time that alcohol is a toxin, the worst product of the ferment germ; a poison to every living tissue, destructive and degenerating to the human organism, striking at the health, character, and life of the individual, blasting the lives of children unborn, and undermining the integrity of the family;

Whereas "wine is a mocker," and the maintenance of alcoholic beverages in the channels of trade always causes their widespread use among the people, entailing incalculable economic loss in productiveness and heavy burden of taxation; turning out multitudes of slaves and solons of drink; lowering in an appalling degree the average standard of character of citizenship, upon which the Nation's institutions and liberties must rest; bringing about the untimely death of many thousands of citizens, exceeding in numbers all those destroyed by war, pestilence, fire, flood, and famine combined;

Whereas this terrible disease has been running for long centuries and is now gnawing at the vitals of the nations and civilizations of to-day, gripping the Governments of the world, and is interwoven into the political, commercial, and social life of the peoples, constituting thus the deepest seated, most chronic organic disease known to the body politic and body social;

Whereas such a disease for a permanent cure requires of necessity deep, continued organic treatment for the whole body, for which partial superficial devices like legalization and local regulation have always proved and from their own nature must always prove utterly inadequate;

Therefore, in the name of the World's and National Woman's Christian Temperance Union, we hereby make this proclamation for a great crusade to carry the vital truth to the peoples themselves in all lands, and through them to place prohibition in the organic law of all nations and ultimately in the organic law of the world, and to this high end we invoke the blessing and guidance of Almighty God and the cooperation of the men and women of all lands who love their fellow men; and

To America, the birthplace of the local, State, national, and world's Woman's Christian Temperance Union, we hereby proclaim, amid the smoke of the second great battle of Maine, in the home of Neal Dow, and in the State which longer than any other has had a prohibitory law, that within a decade prohibition shall be placed in the Constitution of the United States, and to this end we call to active cooperation all temperance, prohibition, religious, and philanthropic bodies, all patriotic fraternal, civic associations, and all Americans who love their country.

**STATEMENT OF MRS. ELLA A. BOOLE, PRESIDENT OF THE  
WOMEN'S CHRISTIAN TEMPERANCE UNION OF THE STATE  
OF NEW YORK.**

Mrs. BOOLE. Mr. Chairman and members of the committee, I am very glad to present here this morning the conviction that possesses the souls of a good many women in the State of New York, even though possibly in New York State the liquor traffic has greater power and greater investments and greater strength than in any other State in the Union. We believe that this proposed amendment to the Constitution is a fit subject for constitutional law, because it neither concerns itself nor interferes with the life, liberty, or that pursuit of happiness guaranteed under the Constitution to all citizens of this great country. - The American home is the very foundation of the greatness of America, and the child is the chief asset of the American home. The liquor traffic robs the child of his right to be well born and of the best environment after he is born. There was a great exhibit in New York City not very long ago called a child welfare exhibit, and at that exhibit there was shown every agency almost for the uplift of the child. But there was a piece of statuary at the end of the hall which spoke louder than words. There was the figure of an aged man, and his back was bent by a heavy burden upon it; there was the figure of a middle-aged man and woman with heavy burdens on their backs until they were bent; then there was the figure of a little child; his body was emaciated; his figure was weak, and his back was bent, not because there was a burden upon it but by reason of inheritance and environment. Underneath that exhibit were these words: "Who will help straighten his little back?" And, gentlemen, when I looked at that exhibit I said to myself: "What is there in all this world that so puts burdens on the backs of men, women, and little children as the great liquor traffic?"

And, gentlemen of the committee, because this proposed amendment would help to protect the children of America and lift the burdens from mothers all over the country and from men and from other women we ask you to report this resolution to Congress and ask for its adoption.

The second reason why we ask for this proposed amendment, which I shall not amplify, is that at the present time much time of the National Congress and State legislatures is engaged in remedial legislation for the purpose of regulating the liquor traffic. In the State of New York last year 79 bills were introduced to take care of the evils following in the train of the liquor traffic. This proposed amendment transfers the seat of action from the National Congress to the State legislature, and because this is such a big question it will have the right to do it. You may say that we have local-option laws, but in my State the problem is a city problem, and that is true of the whole Nation. The centralization of American life in cities becomes a serious problem on account of the saloon, which complicates with it every other phase of the city problem. There are 51 cities in New York State and they are all hopelessly wet.

Our third reason in asking that this amendment be reported favorably by your committee is that at the present time there are varying legal standards all over the country for the regulation of the liquor traffic. A certain legal standard in Maine or a thing that is legal in

Maine is legally wrong in New York State. A thing that is legally wrong in a town which votes dry is legally right if it is done in a town which votes wet. A thing may be legally right here, but it may be legally wrong 5 miles from here. A thing may be legally right to-day, but it may be legally wrong to-morrow. That is brought about by a change in the vote of the people. The result is confusion and the substitution of an individual standard for a legal standard which prevents the wholesale abolition of the liquor traffic.

My fourth reason has already been touched upon by the president of the Federation of Churches, when he explained that this is indorsed by all the churches. My last reason is that it is in line with the methods now employed in the medical and philanthropic world which seek the removal of preventable causes of disease, vice, poverty, and crime. I do not intend to go into the argument of the question. I only want to present the various phases of it.

As men and women we deplore the white-slave traffic. Gentlemen, we will never be able to solve that problem as long as the saloon exists to-day, a breeding place of vice, the result of which is to lower the moral standard of cities and pervert the moral atmosphere. Jane Addams said there would not be any social evil if there was no saloon evil.

And so, gentlemen, voicing the sentiment of the women of New York, and representing womanhood throughout this country, I appeal to you as the fathers of your daughters and the representatives of other fathers of daughters, to report this amendment favorably to the House and so open the way for the removal of the cause of the white-slave traffic and every form of evil. I thank you.

DECEMBER 11, 1913.

*Members of the Committee.*

GENTLEMEN: This proposed amendment to the amendment to the Federal Constitution is a proper subject for constitutional law, for the liquor traffic interferes with life, liberty, and that pursuit of happiness guaranteed under the Constitution to all citizens.

America's greatness is dependent upon the American home. The chief asset of the home is the child.

The liquor traffic robs the child of the right to be well born and of proper environment after it is born.

At a recent child-welfare exhibit many agencies for the uplift of the child were presented, but a piece of sculpture in the rear of the hall spoke louder than words.

A figure of an aged man, with his back bent by a heavy burden upon it; a middle-aged man and woman with heavy burdens on their backs until they were bent; a little child, weak and emaciated, his back bent, not by a burden but by inheritance and environment; underneath these words, "Who will help straighten his little back?"

What is there in all the world that so puts burdens on the backs of men, women, and little children as the liquor traffic, and what more proper subject for constitutional law than this proposed amendment?

2. There is no need to dwell on the evils of the liquor traffic, for they are numberless.

Remedial legislation consumes much time of National and State Legislatures.

The submission of this amendment transfers the matter from the National Congress to State legislatures, for the consideration of national constitutional prohibition will have right of way.

The people have a right to be heard.

All the people have a right to be heard.

Local option for rural communities will not solve the problem so long as cities have the liquor traffic thrust upon them without redress.

The centralization of American life in cities becomes a serious problem on account of the saloon, and every phase of the city problem is complicated by it.

All the people have never had a chance to be heard and this proposed amendment will give them that chance.

3. Its adoption would result in a single legal standard for the entire Nation.



Now, what is legally wrong in Maine is legally right in New York under certain conditions.

What is legally wrong when a town votes dry is legally right when a town votes wet; what is legally wrong in one town may be legally right in another town a few miles away—result, confusion and a substitution of individual for legal standards and the unblushing violation of law.

Under constitutional prohibition the manufacture, the sale, the transportation, the importation, the exportation of alcoholic liquors for beverage purposes is prohibited, and this means the same legal standard throughout the entire Nation.

4. This amendment is in line with the resolutions of the churches, all the Protestant denominations with a single exception having declared for prohibition as the only solution of the liquor problem. This means that the millions of church members may be expected to support the amendment in their own States, and the demonstration on the steps of the Capitol yesterday is only typical of those at home whom they represented.

5. National prohibition is in line with the methods now employed in the medical and philanthropic world which seek the removal of preventable causes of disease, vice, poverty, and crime.

Alcohol lowers bodily resistance to disease, and hinders recovery; it produces the mental and moral degeneracy that results in criminals and criminal tendencies; its moderate use leads to its immoderate use through the process of an inexorable law of nature; it destroys self-control, inflames passion, benumbs the moral sense.

The problem of the traffic in women is inseparably connected with the saloon problem.

A national law to suppress the white-slave traffic can not be made effective so long as the saloon exists as a recruiting station where young men and women in the presence of glittering lights, attracted by the revelry, buoyed by the comradeship, and dazed by their environment and the social glass, lose first their modesty, then their purity, and then, for the woman, at least, all hope.

It is of little avail to forbid the use of public drinking cups in the interest of the prevention of disease and leave the saloon a breeding place of the white-slave traffic and a purveyor of contagion, alone.

We appeal to you as fathers of daughters, and representatives of other fathers of daughters from whose ranks must be recruited the white slaves of the future, and that not a distant future. Help smite the traffic in women and girls by submitting this amendment, and so make possible the removal of this preventable cause of vice and immorality.

Mrs. ELLA A. BOOLE.

#### **STATEMENT OF MRS. MARY HARRIS ARMOR, NATIONAL LECTURER AND ORGANIZER OF THE WOMAN'S CHRISTIAN TEMPERANCE UNION.**

Mrs. ARMOR. Mr. Chairman and gentlemen of the committee, I crave your earnest attention to a few words which I shall say, and at the same time I crave your permission that more words which I would like to say be placed also in the record. I am here as the representative of the National Woman's Christian Temperance Union, being national lecturer and organizer of that association, and as the representative of 300,000 white-souled women banded together for the destruction of the liquor traffic, and the destruction of the liquor traffic means the protection of the home. We have a purpose ribbed and edged with steel to strike the blow. I hope, gentlemen, that you will give us what we ask, lest our continual coming will weary you, because we will never lay down our arms until the liquor traffic is dead or we are dead, and even then we will leave generations which we have raised up through our education to continue the fight until the Nation is free or the liquor traffic has destroyed it. In the name of these I come.

As I stood yesterday in front of the Capitol looking at that magnificent group representing a burly savage with uplifted weapon

seeking the lives of a woman and child my heart was hot within me and mine eyes were dim with tears. But over them stood a man to protect them. I thought then that I could come to you with confidence, because that group typified what American manhood will do for American womanhood and American childhood.

We believe that the cry for help to-day from helpless womanhood is as potent to stir the noble heart and nerve the arm of manhood as in the days when Eve's first cry of anguish rang through the stillness and the beauty of the Garden of Eden. I believe that typifies the conditions to-day of American women and children. What matters it whether the weapon be a tomahawk of stone or a wedge of gold, for it strikes at brain and character and at the home. Is that not a more dangerous enemy? And as that figure says in that group in every line: "Thou shalt not," so I stand here to-day and ask you gentlemen to give the manhood of the Nation, by reporting favorably this resolution, the opportunity to save American womanhood from the dangers which threaten it. We hope that you will give Congress the opportunity to say to the legislatures of the United States that they will have the opportunity to say to the people of the United States that American manhood stands to-day ready to defend American womanhood, and that is the prayer of my heart and the hope of my soul. Gentlemen, I believe in American manhood; I believe in you. If I did not, I would be casting pearls before swine. Scripture forbids it. I appeal to American manhood to-day in behalf of American womanhood and American childhood, but I do not need to multiply words. I hope that you will report this resolution as speedily as you can, in order that the masses of the people as represented in their legislatures may hand down their mandate. Give them, I say, the opportunity to seize the arm of the enemy and snatch the weapon from his hand, not to destroy him, but to destroy the traffic and save the men, women, and children of the entire Nation. Give the States the opportunity to destroy that which debauches manhood, uncrowns womanhood, and beggars childhood.

Gentlemen, let me say this: I am not speaking merely from sentiment, though God forbid that sentiment should ever be crushed out of our hearts. Thank God, I am an enthusiast. Enthusiasm comes from two Greek words, "En" and "Theos," meaning "God" and "in" or "God in you." And the reason I can be enthusiastic in this cause is because God is in me; He is in us, He is in you. I am an enthusiast, but I do not come to you as an enthusiast. I come to you as a woman who keeps her mind open, her ears open, and her heart open, who has traveled up and down the length and breadth of this Nation, and I say that this is not a small movement, but a tremendous upheaval for the redress of wrongs.

I come from the State of Georgia that struck down the black flag of legalized liquor traffic five years ago, and I stand here and refer you to Gov. Slaton, of Georgia, himself, or to any banker or real estate man in Georgia for proof of what I say, that these five years since Georgia went dry have been five years of Georgia's greatest prosperity, and she has gone forward mentally, morally, and financially since the day when she struck down the black flag of the liquor traffic, and I pray you in the name of Him whom I serve and for whom I work, to give to us what our forefathers bequeathed to us in the

early days of this Nation, the right to live, the right to be free, and the right to pursue our own happiness.

Surely "Our eyes have seen the glory of the coming of the Lord." The armies of the living God have marched into the Capital City, brave men and women by thousands demanding the destruction of the legalized liquor traffic and presenting to this Congress a joint resolution forbidding the manufacture for sale, the importation for sale, and the exportation for sale of all spirituous, vinous, and malt liquors. And "The fullness of time having come" God has sent fourth two magnificent men, "Men of faith and not of faction, men of courage and of action"—God-sent men—to champion our cause and to stand sponsors for this joint resolution. The one, the Hon. Richmond Pearson Hobson, in the House; the other, the Hon. Morris Sheppard, in the Senate. And we believe there are enough stalwart home defenders in House and Senate to pass this resolution and give the States the privilege of saying whether or not the liquor traffic shall continue to debauch manhood, uncrowned womanhood, and beggar childhood.

As an authorized lecturer and organizer of the National Woman's Christian Temperance Union, I speak to-day for 300,000 white souled women, an army that is, "Never thinking of retreat, never dreaming of defeat, but determined that the victory shall be won," and no army was ever led by a greater general than our chieftain, Lillian M. N. Stevens, that great woman who has the mind of a statesman, the spirit of a martyr, and a purpose "ribbed and edged with steel to strike the blow."

We come to you, gentlemen, pleading for protection for our homes; we come with confidence believing that the cry for help from helpless womanhood is as potent to-day to stir the noble heart and to nerve the noble arm as it was when Eve's first cry of anguish rang through Eden's beauty and stillness. As I stood in front of the Capitol yesterday and gazed at that magnificent group of statuary where the spirit of true manhood is so magnificently portrayed, where the bloodthirsty savage with uplifted weapon seeks to dash out the life of mother and child, but seeks in vain because over him towers the majestic form of a man who grips the threatening arm with muscles of steel, every line of his figure seeming to cry out "Thou shalt not," I thought: The mother and child of to-day are as surely threatened and with even greater danger, and though the uplifted weapon to-day is not a tomahawk but a wedge of gold, the enemy who wields it strikes with as fiendish a purpose and strikes at character and peace and reputation and the immortal soul as well as physical life. And I cried out in my soul "O American men, to the rescue! Grapple with this modern murderer and say to him, by every power that God has given you, 'Thou shalt not.'" And the liquor traffic will die.

While various reasons are given for the perpetuation of the liquor traffic, there is really, we believe, but one thing that gives it life in this Nation to-day, and that is the current belief that we need the revenue. If the people were once brought to see that the liquor traffic does not pay, it would be eternally doomed.

Common sense always led me to believe that a thing that made a few people enormously rich while it made multiplied thousands enormously poor could not make a nation prosperous. When I could not find one man that drank himself into prosperity, I found thou-

sands who drank themselves into poverty; while I saw numbers of men drink themselves out of a position, I never saw one drink himself into a position; and while I saw drink take the shoes off the children's feet, the clothes off their backs, the schoolbooks out of their hands, the bread out of their mouths, and the comforts out of the homes, I never saw that drinking helped a man to supply his children with any of these things or added a single comfort or luxury to his home, or any joy to the hearts of his loved ones. I say, common sense taught me, therefore, a nation could not build prosperity on a traffic like this.

But now I know also by experience that the liquor traffic does not pay and that prohibition is an asset and not a liability. The 30th day of July, 1907, Georgia passed her prohibitory law, which went into effect the 1st day of January, 1908. In the fall of 1907 the country was gripped by the greatest panic that it had seen since 1893. So Georgia lost her rum revenue at a time when she seemed to need it most. Those who championed the liquor traffic predicted financial ruin; but from that day when the black flag of the legalized liquor traffic was struck down there dawned a new era of prosperity for the Empire State of the South. I say without the fear of successful contradiction, and refer you for proof to any real estate man or first-class bank in Georgia, or to Gov. John M. Slaton himself, that Georgia has never built as many fine churches, as many good homes, as many modern and well-equipped schoolhouses, as many fine court-houses, as she has during the last five years. The bank clearings have steadily increased; more towns have put in waterworks and electric lights, and there has been more improvement of roads; and more people are riding in automobiles, according to the official figures, than in any State in the Union in proportion to our population.

It is believed by some that prohibition is a good thing for the rural districts and the smaller towns, but the cities can not exist without the saloon and its revenue. Atlanta, Ga., is the greatest prohibition city in the world, and there is not a city anywhere with more push and hustle and prosperity and grit and "get up and get" than Atlanta. Last winter when I was visiting Pittsburgh I was delighted on reading an article written by one of Pittsburgh's leading citizens who had been on a visit to the South to see his tribute to Atlanta. He called it the wonder city, saying that its growth since his visit there some years ago had been so remarkable that he could hardly believe the testimony of his own eyes, and that if any man who did not know Atlanta as it is to-day was suddenly set down in the midst of the city he would believe he was in the heart of Pittsburgh or London.

Gov. Slaton, during a recent visit to New York City, gave this statement to the press: "Georgia is the most prosperous State in the Union. This is no exaggeration. The vice president of the National Park Bank, of this city, which has been the correspondent for the State of Georgia for many years, remarked to me to-day that he could assert conservatively that Georgia was more prosperous than any other State." And he closed his interview with the reporter by saying, "And Georgia is looking forward to years of even greater prosperity than the one we are now enjoying."

No, the liquor traffic never pays; the liquor traffic is the greatest robber on earth; it not only takes the shoes from the feet and the

clothes from the back and the dinner from the pail and the roof from over the head, but it takes the joy out of the heart and the nerve out of the arm and the light out of the eyes and makes them ache for the last long sleep. The liquor traffic must go. Give the people of these United States an opportunity through their State legislatures to order its execution, and so let us come into the inheritance which the brave men of 1776 bequeathed forever to every man, woman, and child in America "the right to life, liberty, and the pursuit of happiness."

Mr. HOBSON. Mr. Chairman, at this convention to which I referred, which convened in Columbus the second week in November, there were represented, I think, 97 national uplift organizations. There was a council of 100, with a possibility of extending it to nearly 200, which it did, and from that federated council was appointed an executive committee, and that executive committee appointed a subcommittee on cooperation of all national forces, of which subcommittee I have the honor to be chairman. There is a member of that subcommittee present who does not care to address the committee to day, but I want to get that fact on the official record in order that he may come at some future time and speak before the subcommittee. He is Mr. L. C. Musgrave, of Jasper, Ala.

Now, Mr. Chairman, on behalf of these organizations I wish to thank you and the members of your committee for the courtesy and consideration we have received at your hands.

(Thereupon the committee adjourned.)

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## SERIAL 6, PART 2.

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### COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, *Wednesday, April 15, 1914.*

The committee met at 10.30 o'clock a. m., Hon. Henry D. Clayton (chairman) presiding.

The CHAIRMAN. The committee will be in order. This is the day set down for a hearing on House joint resolution 168, introduced by Mr. Hobson. We will be very glad to hear Capt. Hobson and the others present. Who will control the time, Captain? I want to say to you and to those who are interested in this resolution that this is Calendar Wednesday, and it may be that some time during the day they will reach the call on the Judiciary Committee, but aside from that some of us want to be there at 1 o'clock, because there is a bill before the House to dispense with the proof of loyalty in certain cases, and certain members are very much interested in that bill. That bill, as you remember, passed the House, but failed in the Senate. So the committee would like to have the hearing to-day concluded by 1 o'clock, if not before.

**STATEMENT OF HON. RICHMOND P. HOBSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALABAMA.**

Mr. HOBSON. Mr. Chairman and gentlemen of the committee, we will bear in mind the wishes of the chairman and the members, and endeavor to conclude the hearings in adequate time for the members of the committee to meet their other obligations. We desire to express our appreciation for the courtesy of the full committee extending these hearings. House joint resolution No. 168 is a response to an official petition on the part of practically all the organized moral forces of the nation. A convention was held in Columbus, Ohio, the second week in November, where was gathered official representatives of 97 national uplift organizations. They represented all the denominations of the church, Sunday schools, Epworth League, Christian Endeavor, Anti-Saloon League, and Woman's Christian Temperance Unions. I just mention those as samples of the 97. My estimate is that they represented more than a majority of the American people officially, and they certainly represented the conscience of the Nation. This official gathering unanimously adopted and agreed upon the proposition that the way to apply a true treatment and a proper treatment to the disease that exists in this Nation growing out of the use of alcoholic beverages is to provide for the submission to the States of a joint resolution providing for an amendment to the Constitution of the United States for national prohibition.

I desire to emphasize the fact that this was the unanimous decision of the official representatives of practically all of the organized moral forces of the Nation. Their first step was to send a committee to Washington to petition Congress under the right of petition. This committee was composed of about 2,000 men—strong men—representing every State and every Territory of this Nation. They appeared in Washington on the 10th day of December and duly memorialized both Houses of Congress, and the crystallization of their request was for the passage of House joint resolution No. 168, which is up for consideration.

The first matter that I desire to bring to your attention is that the memorial or petition is for a referendum. It is not the purpose of those who are here to-day to enter into any lengthy discussion of the question of the merits of prohibition or the differences in the various forms of temperance legislation, but to have you realize that the request is for the several States, or the people in the several States as a whole, to be allowed to pass on that question. It is a form of referendum provided in the Constitution of the United States to produce changes in the organic law of the land. Now, irrespective of the merits of the measure, the spirit of our institutions is that a majority of our people have the right to decide organic questions—that is, a majority of the people in the several States have the right to decide any organic questions. There have been 17 amendments already adopted to the Constitution of the United States.

I believe that an analysis of the conditions attending the submission of amendments, or joint resolutions for amendments, in these cases will show that there never yet has been an amendment that has had such a united public sentiment behind it—a public sentiment irrespective of party, irrespective of section—a public sentiment growing out of this union, this agreement of the moral forces of the

Nation. What we maintain, Mr. Chairman and gentlemen, is that, irrespective of what opinion individual Members may have of the merits of the proposition, the people of the several States are entitled to be allowed to pass upon it and to make that direct application. We do not feel that it is necessary to argue the merits of the case before this committee, and, unless such an attempt is made, we will not undertake to argue the merits of the case. Incidentally, there will be hearings before the Senate committee, and if some do undertake to go into the merits of the case, we will in due form argue the merits of the case before the Senate; but our position is this, that even though members of this committee might not agree upon the merits of this proposition, it is in accord with the spirit of our institutions that this committee should put the matter up to the House of Representatives. In other words, that this committee, without going into the details or the merits, beyond to verify the fact that those details do not violate any fundamental principles—beyond that this committee ought, in our judgment—and we humbly submit to you, and respectfully, that this committee ought—to put the question squarely and promptly up to the House of Representatives.

Then our position before the House of Representatives will be that, irrespective of the individual ideas of Members of Congress on the merits of the case, Congress ought to put it up to the people of the several States, a majority of those people in due form having requested to be allowed to pass upon it. At this juncture I desire to call the attention of the chairman and members of the committee to this consideration without arguing it: This is an organic question; it deals with life and death, with liberty, with the survival of individuals, of groups, of nations, of empires, and of civilization, and we submit that the true treatment of an organic disease must be an organic treatment; that Congress can not treat this question comprehensively and completely, and that it is only the people in the several States who can apply the organic treatment. We submit that Congress should at the earliest moment wash its hands of this question and put it where it can no longer disturb the political forces in the matter of the election of Members of Congress to the lower or upper House; that both of those Houses should recognize the propriety of permitting the people in the several States to apply this organic treatment and then allow the forces for and against it to go out into the several States and settle it among the people themselves. So if you want to solve this question there is only one way to solve it right, and it will never be solved until we do solve it in the right way. We ought to put this up to the States for ratification.

Now, I desire to call attention furthermore to the fact that this would not curtail the rights of the States in dealing with the question, except in the matter of sale. Any act of any State in the line of curtailing the poisoning of its people is left untouched. The final adoption of this measure by the several States would not prevent independent State action along lines of temperance and prohibition. It would not invade the right of the States except in so far as the States would go counter to the principle of stopping the sale. Any State, any county, any town, any home, and any individual would be left unrestrained except in the matter of sale. I will not read over the provisions of the measure, assuming that the gentlemen of the committee are familiar with them, but I desire to call attention

to the fact that it deals only with the question of sale; it has nothing to do with the question of use nor anything that deals with use.

The CHAIRMAN. Without intending to interrupt your argument at all, I call your attention to the fact that section 1 of your resolution provides that—

The sale, manufacture for sale, transportation for sale, importation for sale, and exportation for sale of intoxicating liquors for beverage purposes in the United States and all territory subject to the jurisdiction thereof are forever prohibited.

It does go further than the mere sale of it, does it not?

Mr. HOBSON. The sale or the attendants of sale, or incidents of sale.

The CHAIRMAN. If there is none manufactured—

Mr. HOBSON (interposing). You could manufacture it for use, but not for sale.

The CHAIRMAN. Section 2 of the resolution provides:

Congress shall have power to provide for the manufacture, sale, importation, and transportation of intoxicating liquors for sacramental, medicinal, mechanical, pharmaceutical, or scientific purposes, or for use in the arts, and shall have power to enforce this article by all needful legislation.

That, in your opinion, would give Congress the power to except from the operation of the first section of the article such use of intoxicating liquors as Congress saw fit within the limitations?

Mr. HOBSON. That is the purpose of the bill, of the second section, and the chairman will notice that the first section prohibits only in the case of sale for beverage purposes. In other words, any other subdivision of the Government is free, except to promote the sale leading to debauching. They could supplement with their own laws or regulations measures to stop the sale and to stop the use, but it would be done locally. It would not be done by the distant central Government. In other words, this is a division of territory between Federal authority, which is the central authority, and the subordinate divisions of authority, and the central authority, or Federal Government, will only touch the sale for beverage purposes; but there its prohibition would be absolute. Now, without going into the question of alcohol, I think it must be evident to every member of this committee that the moment the Federal Government with its strong arm destroys the sale, at that moment the organized liquor business is destroyed.

Now, the organized liquor business is founded on the principle of contract; the sale is founded on the basis of contract; and that is a public function—a question of society. A man does not sell to the members of his family, so it does not touch the home; a man does not sell it to himself, so it does not touch the individual. It is only when one citizen in the domain of the State proceeds for the purpose of gain, for filthy lucre, if you please, to harm and poison his neighbor, that the strong arm of the law comes down. Now, what would be the effect of the destruction of the organized liquor forces of the nation? It could not stop the old drinkers from drinking. Diseased tissue has to gradually shrivel and disappear; you can not stop old drinkers from drinking except relatively. The organic cure is in the stopping of the contraction of the disease by young tissue. That is the way every organic cure comes. The time element enters, so that the young tissue will not contract the disease. Cancer and any other organic disease must be cured in that way. The Federal Government does not undertake to invade that domain of the drinker drinking. It



simply will destroy the organized business. Now, what will be the effect of that? That will stop the debauching of the youth. One of the most significant and vital of the results of investigation shows that men do not begin to drink after they are grown.

I will not go into the details of it, because I can supplement that in my hearing, if you desire. But careful investigations, substantial, systematic, and scientific, indicate that every—over two-thirds of the drinkers began drinking and had contracted the habit before they were 21 years of age; that nearly one-third contracted the habit before they were 16 years of age, and that actually 7 per cent contracted the habit before they were 12 years of age. Now, another analysis: Who is it that teaches the boy to drink? It is not the drinker. There would be very few men base enough, though they drink themselves, to go and teach boys to drink. It is only done by those whose business is developed and expanded by the development of the appetite in the boy, so that when he grows up as a drinking man they can get the profit. That is what is done. It is done by the organized liquor interests, and they do it systematically. You go into any city in the country and you will see how it is done. Now then, the moment you kill the liquor interest of America, the organized liquor business, you stop the debauching of the youth. In other words, the Federal Government kills the monster. It is not undertaking to affect the old people, but the moment you kill this monster, the moment you destroy the liquor interest of America, it gives the boy a chance to grow up sober; then the next generation will be sober, and that is the organic cure.

Now, I submit it as a universal proposition that if you are not engaged in the liquor business and do not get profits from it, you are not going to oppose that general proposition. You may drink yourself, but you do not want your boy to drink and you do not want your neighbor's boy to grow up a drunkard. So that good men, whether they drink or not, are going to support this measure. Only those who get profit by poisoning and debauching their fellow men, and particularly the boys—that is, by debauching the youth during the period when they are entitled to protection—only those, in the last analysis, when we come down to the final struggle in the several States among the people themselves, will oppose it. There is where it will hinge. Good men, whether they drink or not, will be with us. I do not hesitate to say, if you will grant us this appeal, if you will grant our request, our earnest request, that it is in accord with all the fundamental principles in protecting the public prosperity, that it will relieve us of this enormous economic burden, and that it is in keeping with the protection of the public health. Most of disease is due largely to this cause. More than half of all the consumption, more than half of all the pneumonia, and so on—I will not elaborate—are due to this cause. It is in keeping with the protection of our institutions. It is the degenerate vote that has in the past overwhelmed the liberties of free people. It is the degenerate vote in our big cities that is a menace to our institutions. The systematic debauching of a people has always attended their decline and final downfall. This is in keeping with the protection of the Nation's chance to evolve and to improve.

Each generation must be an improvement over the previous generation if the Nation is going to comply with the law of evolution.

That law is right along with the law of self-preservation, not only in order to live, but to improve. This is in accord with all those principles. The right of our children to be well born is a sacred right. The feeble-minded, the epileptic, the idiotic, the insane are chiefly the results of the violation of this right before birth; that is, the right of children to be born in a home, to have parental protection and care, and the right of children to be protected in their tender years of infancy, childhood, boyhood, and youth. It is in accord with all those principles that are at the foundation of government, and we do not hesitate to make a tentative promise, founded upon these laws of nature, that, if this treatment is applied, we will get the cure.

MR. WEBB. Is it your idea that the second section of this resolution will give Congress the right to say who shall and who shall not manufacture for use and where it shall and shall not be manufactured for use?

MR. HOBSON. Well, I think the powers there are very broad.

MR. WEBB. What I am getting at is this: Some States now do not permit the manufacture or sale of whisky, and what I want to get at is whether you are transferring to Congress the power to say that a State now entirely dry shall be compelled to permit whisky to be made within its borders for personal use?

MR. HOBSON. I do not so interpret it.

MR. WEBB. I agree with you in your statement that the second section of the resolution is pretty broad, and I was only trying to get your idea about it.

MR. HOBSON. I do not think that is the case. I think where it is the question of beverage, it is absolute—that is, the prohibition of the first section is absolute.

MR. WEBB. The prohibition in the first section is to the sale, the manufacture for sale, transportation for sale, importation for sale, and exportation for sale.

MR. HOBSON. Yes, sir; but it limits it to the question of beverages.

MR. WEBB. And nothing with reference to the question of manufacture?

MR. HOBSON. Yes, sir; manufacture for sale.

MR. WEBB. Manufacture for sale?

MR. HOBSON. Yes, sir.

THE CHAIRMAN. It limits it to the sale.

MR. HOBSON. Yes, sir; everything that deals with sale for beverage purposes.

MR. WEBB. Under that first section, what is there to prevent a man from manufacturing it for his own use?

MR. HOBSON. Nothing, except the States; it is left to the States to do that.

MR. WEBB. Under the second section, where you transfer to Congress the power to pass such legislation, can Congress say that the States shall permit the manufacture of whisky, even though they have laws prohibiting it?

MR. HOBSON. I do not think Congress could pass a law, and I do not think it ever passed a law, with regard to one State.

MR. WEBB. Suppose it passed it with reference to all States; would it not apply to those that do not now allow its manufacture at all?

Mr. HOBSON. Well, it certainly would not, and Congress could not then permit a State to manufacture for sale.

Mr. WEBB. No; I know that.

Mr. HOBSON. Nor for beverage purposes.

Mr. WEBB. That is declared in the first section of the resolution.

Mr. HOBSON. Yes, sir.

Mr. WEBB. Now, could they permit a man in North Carolina, for instance, if this resolution were adopted, to manufacture for his own use or for family purposes?

Mr. HOBSON. Unless the State or some other authority prevented it. The Government does not enter that domain.

Mr. WEBB. It is not the question whether the Government does, but it is a question of whether Congress could or not.

Mr. HOBSON. No, sir; that is not my interpretation of it. Congress could not authorize anyone to make it for beverage purposes for sale in any State, and when Congress prescribed the conditions under which it could be manufactured and sold, imported and transported for sacramental, medicinal, mechanical, pharmaceutical, or scientific purposes, or for use in the arts, you notice that it specifies those purposes. The question of beverage purposes is not touched in the second section.

Mr. NELSON. But it would permit its manufacture for those purposes?

Mr. HOBSON. Yes, sir.

Mr. NELSON. In a State that prohibits it now, would it not?

Mr. HOBSON. I do not think so. Congress could do that, but that would not inhibit the State from supplementing the law of Congress.

Mr. TAGGART. The State law would not operate against this amendment or in conflict with any amendment to the Constitution. If the amendment were adopted, the State law would have no effect whatsoever.

Mr. HOBSON. In conflict with it—yes, sir; but in compliance with it, any State law would be authoritative in furthering the object of the Federal law.

Mr. TAGGART. That could be wholly remedied by supplementing this resolution by the statement that where the same is not prohibited by the law of the State.

Mr. HOBSON. Yes, sir; that is true, but I do not think the danger is here now.

Mr. FLOYD. Under the existing law, a State can not only prohibit the sale, but it can prohibit the manufacture of liquor for any purpose?

Mr. HOBSON. Yes, sir.

Mr. FLOYD. Section 2 of this resolution confers upon Congress the power to permit the manufacture and sale for certain specific purposes. By section 2 would you not take away from the States the power that they now have absolutely to prohibit the manufacture of liquor for any purpose?

Mr. HOBSON. I will say to the gentleman that I am sure we would have no objection to that if the wisdom of the committee thought it advisable to put it in. So if there is any danger of invading any rights now possessed by the States in line with the object of this amendment, we would be willing to protect that right by putting in that second section an amendment or change to the effect "unless

otherwise provided for by law of the State." But the point I make is that that is merely a detail.

Mr. CARLIN. Do you consider that point a good one?

Mr. HOBSON. I think perhaps it would be a good thing to put it in. I do not think that any of our people would object to it.

Mr. FITZHENRY. How would it do to add after the word "power," in the ninth line, the words "concurrently with the several States"?

Mr. HOBSON. I think that would be very broad and I think it would be a very good way to do it; but still I would like to have you debate that. I think I can say on behalf of these societies and associations represented here that what we wish to do is not to curtail any rights of the States, but, on the contrary, we wish to supplement the powers of the States. Heretofore the States that have had prohibition laws have had those laws violated, and the pride and main argument of the liquor interests in America is that prohibition does not prohibit. In other words, that the States exercising their legitimate authority to prohibit are not allowed to prohibit. They confess that they are out-laws and that the States have not had their rights respected, and they have no more respect for the rights of States. Now, what we want is that the Federal Government should kill this monster. The moment you kill the liquor interest of America then there will not be these millions of funds available to invade the rights of the States and debauch our politics. Then the States can exercise their legitimate authority under the Constitution. But what we ask you is to allow us to destroy this monster, so that we can have the authority of the Federal Government, the authority of the States, the authority of the counties, and all other forms of authority in our country respected.

Mr. DANFORTH. What rights are reserved to the States if this becomes the law?

Mr. HOBSON. The rights bearing upon use.

Mr. DANFORTH. The use is pretty effectively disposed of?

Mr. HOBSON. There was a time when there was no systematic manufacture and sale.

Mr. DANFORTH. When was that?

Mr. HOBSON. Well, if you will read the history of the evolution of drink, you will find that brewing at home and making it for home use was current; but I will say this to the gentleman, that if you have to make it at home in order to get it, a good many drinkers would not take that trouble.

Mr. DANFORTH. That part of it we need not argue.

Mr. HOBSON. There is no question of the right—

Mr. DANFORTH (interposing). I am trying to find out from you whether the States are allowed any rights or any option in this matter if this becomes a part of our law?

Mr. HOBSON. They are allowed everything outside of the domain of the sale for profit or for harming your neighbor or fellow citizen. They reserve all the rights of use.

Mr. VOLSTEAD. This absolutely prohibits the production and use of liquor very clearly; it takes that right away from the States.

Mr. HOBSON. It does not prohibit the use. I take exception—

Mr. VOLSTEAD (interposing). How can you get it if you do not manufacture it?

Mr. HOBSON. Make it.

Mr. VOLSTEAD. But you prohibit the manufacture.

Mr. HOBSON. If you do not propose to make it for sale and get profit from it by harming your neighbor, you can manufacture it, but the moment you propose to get filthy lucre out of harming your neighbor, then it is prohibited.

Mr. VOLSTEAD. Do you suppose this would affect the present revenue laws on the subject?

Mr. HOBSON. It depends upon whether the present law would be in accord with the spirit of the amendment or not. I am inclined to think that it would, and that the iniquitous revenue system would be duly repealed. I think the iniquitous revenue system to-day, under which the poor mountaineer who does not pay the Government blood-money, will be met with a warrant and weapons, and, if he resists, will be killed, while the multimillionaire distiller or brewer, if he gives the Government a fat check, can go out and debauch 10,000 people, should be repealed. I think that iniquitous system will be duly repealed, but this does not bring up that question at all. We are dealing here with the principle; this is a question of sale. It is a question of going out into that domain where the foundation of the State exists, and that proposition never has been questioned. It is the complete domain of the States and Federal Government. The contract and the principle of the contract is that you render a service, and here, instead of rendering a service, you render a harm and inflict injury.

Mr. WEBB. Of course, you are familiar with the fact that the law we passed through Congress about a year ago, on March 1, 1913, gave to each State that desired it the right to make itself as dry as a powder house, and that law has been held to be constitutional by the supreme courts of Kentucky, Iowa, and, recently, Kansas, and by at least one federal judge. Now, where the sentiment of the people is in favor of a dry State, Congress has given them the power to make it as dry as they please, and some of the opponents of your resolution are arguing that it would be unfair for a minority of dry people to place a resolution of this sort as an amendment on a majority of the wet people, when Congress has given the people in a State the power to make the entire State dry or to leave it wet, and has left it to the wet State to remain wet until public sentiment changes that condition.

Mr. HOBSON. I understand that perfectly, Mr. Webb, and the fact is that the liquor interests have never respected the right of a State to be dry.

Mr. WEBB. They have to respect it now in North Carolina, because we have several counties down there where a man does not dare to introduce a pint or a quart contrary to the law.

Mr. HOBSON. That is true, but the liquor interests hover around all the time, and if you knew how much went into your State in violation of this principle of the law or the spirit of it, you would realize that it is not sufficient simply to give a State the right to be dry and not to have the Federal Government to protect the transportation end of it. You would see how that needs to be supplemented. I do not think that this goes contrary to that at all, but I do think it is the next step in the development of the principle of State rights, but when the gentleman speaks of the majority, he recognizes the fact that it is not a majority of the States that would ratify it, but it requires three fourths of all the States, and that it is

the States themselves that pass on the question of ratification. It is up to them, and when three fourths of all our States want the organic change, they are entitled to the change. Now, that is one of the happiest results of the wisdom of our forefathers, that the organic law of this Nation should be in the hands of a majority of the States and not in the hands of a majority of the people. That is true because the great aggregate of the people in the vast cities of congested population, constitutes the source of danger. That is where the diseases of humanity take place, and always have taken place. There is where degenerates develop, and that is where the Nation finally destroys itself.

Mr. WEBB. On that question of majorities, I have been getting a great deal of literature from the opponents of this resolution to the effect that it would be unfair to permit three-fourths of the States to ratify this resolution when it is possible that the remaining one-fourth might have a majority of the people against it. What is your answer to that?

Mr. HOBSON. My answer is this: It is the wisdom of the liquor interests to-day against the wisdom of the forefathers who founded the Nation. We have found it to be a good working proposition, and that it is the embodiment of wisdom to have organic changes made by the slow process of ratification by three-fourths of all the States, rather than by the referendum vote or popular vote by a majority of the people. Now, the liquor interests never brought that question up before. Do you know why they bring it up now? It is because the United States Senate is elected by a direct vote of the people of the States.

Mr. CARLIN. Is not this true: That there would be no difference between the adoption of this particular amendment by the States and the adoption of any other constitutional amendment?

Mr. HOBSON. No, sir; there would be no difference. It would be just like them. No one ever brought that up in connection with the direct election of Senators amendment, or in connection with the income-tax amendment, or in connection with any other amendment. That question has never been raised, and now it is raised only by those who are interested, and by those who themselves confess in the next breath that prohibition does not prohibit, and boast that prohibition does not prohibit, and they do not hesitate invariably to violate the laws of the State enacted by the will of the majority of the people of the State.

Mr. WEBB. I do not know whether it prohibits down in your State or not, but under the watchful eye of our good friend, Mr. Davis, of the Anti-Saloon League, and of other splendid officers of the State, prohibition does prohibit in North Carolina; I can tell you that.

Mr. HOBSON. But they boast that it does not. It is done in spite of them instead of in accord with them, and you can not allow an outlaw who confesses that he is an outlaw to come in here and dictate to us and tell us about the wisdom of the method of changing the organic law of the Nation. Mr. Chairman, are there any other questions?

Mr. DANFORTH. How many States are dry now?

Mr. HOBSON. I think there are nine now and another is coming. There are three more on the way.

Mr. DANFORTH. Do they have State-wide prohibition?

Mr. HOBSON. Yes, sir.

Mr. DANFORTH. Can you name those nine States that have prohibition?

Mr. HOBSON. Yes, sir; I can name them.

Mrs. ELLIS. May I show them on this map?

Mr. HOBSON. I will be glad to cite them in this way: Those that have it in their organic law or constitutions are Maine, North Dakota, Kansas, Oklahoma, and West Virginia. Those that have it in their statutory law are North Carolina, Georgia, Mississippi, and Tennessee. There are three that have it submitted—California, Oregon, and Washington—for constitutional prohibition. Now, there are some 17 States, if I remember—and I will be glad to put that information in the hearing—there are some 17 States where 50 per cent of the territory is dry.

Mr. DANFORTH. That is, under local option?

Mr. HOBSON. Yes, sir; that is under local option.

Mr. DANFORTH. I suppose all of the States have local option, have they not?

Mr. HOBSON. No, sir; Pennsylvania has not and New Jersey has not. Local option requires, or can only be had through a special act of the legislature. As a matter of fact, there are three that have not local option, Nevada being the other one. Then, local option has different meanings. For instance, take the county unit, and many States do not have the county unit. But I will tell you gentlemen that our estimate indicates to-day that something like 55 per cent of all of the population of the United States are living under prohibition laws enacted by their majority votes, and that 71.5 per cent of the area of continental United States is under prohibition laws enacted by a majority vote. So that the contention that a majority of the people of the United States do not desire this is error, and the claim that a minority under this resolution might impose its power on the majority is fiction.

Are there any other questions?

If not, I would like now to introduce Mr. Dinwiddie to be the next witness before the committee. I thank you.

**STATEMENT OF MR. EDWIN C. DINWIDDIE, LEGISLATIVE SUPERINTENDENT, REPRESENTING THE ANTISALOON LEAGUE OF AMERICA, THE INTERNATIONAL ORDER OF GOOD TEMPLARS, AND THE NATIONAL INTER-CHURCH TEMPERANCE FEDERATION.**

Mr. DINWIDDIE. Mr. Chairman and gentlemen of the committee, I am not going to make an argument in support of this proposition. There are a number of ladies and gentlemen here from outside of the city, and some from a considerable distance, who ought to be heard and who desire to be heard in support of the resolution. They are here representing definite constituencies along this line; and if it were necessary to do so, I presume I could either file some remarks or make them later. The only thing that I will bring to the attention of the committee is—the captain has referred to the matter—that, so far as Congress is concerned in this proposition, it is merely a matter of policy that we are asking you to adopt with reference to this resolution. National constitutional prohibition sounds terrifically drastic

in a sense when you hear the expression used; but when you come to consider how national constitutional prohibition is to be obtained it is not, however, as drastic as it sounds. In the first place, it is a mere referendum of this proposition to the people of the several sovereign States of the Union; and before it can possibly be effective it must be ratified by the legislatures, or by the people speaking through their legislatures, of three-fourths of all the States. As Capt. Hobson has stated, it seems to us not an unreasonable proposition, because 17 amendments have already been adopted by that method and that method of changing the Constitution——

The CHAIRMAN (interposing). In the interest of historical accuracy it is well to say that the first 10 amendments to the Constitution were adopted as a matter of course. Had it not been well understood that they would be adopted the Constitution would likely not have been ratified. The eleventh amendment to the Constitution is a limitation on the judicial power of the United States and grew out of the decision of the Supreme Court in the case of *Chisholm v. Georgia* (2 Dallas, 419), wherein it was held that a State may be sued in the Supreme Court by an individual citizen of another State. To change this announced rule of law, the eleventh amendment was adopted. The twelfth amendment was proposed and agreed to, owing to the experience of the country in the election of 1800, when a President and Vice President were elected of opposite parties. To prevent a recurrence of such a result, the twelfth amendment was proposed and agreed to. The thirteenth amendment, abolishing slavery, might properly be said to have been a war measure. Many people think that the fourteenth and fifteenth amendments were never regularly and rightfully adopted. The sixteenth and seventeenth amendments were proposed and ratified in the usual constitutional and regular way. So if you are going to refer to the ratification of all the amendments as precedents I think you could well afford to be historically accurate.

Mr. DINWIDDIE. I concede what the chairman says, because that is a matter of history, except that I do not think that we need to go into the question of the fourteenth and fifteenth amendments to the Constitution, as it has been raised by the chairman, because to all intents and purposes——

The CHAIRMAN (interposing). The first 10, as I said, were adopted as a matter of course.

Mr. DINWIDDIE (continuing). They have been proclaimed. As I say, it is a mere matter of policy so far as that is concerned. We do not think it an unreasonable request to make of Congress, that the people be given at least the opportunity to express themselves on this question in their several States. I shall not take any further time, because I do want these people to be heard. I am going to call on the Rev. Dr. James Cannon, jr., of Virginia, representing the Methodist Episcopal Church South, and superintendent of the Virginia Anti-saloon League.

Mr. DUPRÉ. May I inquire whether at the time of the hearing before this committee on the Webb bill, a bill similar to this was pending in Congress for national prohibition?

Mr. DINWIDDIE. I believe Capt. Hobson did have a resolution in that time.

Mr. DUPRÉ. Is this the first session at which you have introduced such a resolution?



Mr. HOBSON. No, sir; it was introduced in December, 1911.

Mr. DUPRÉ. So that when the hearings were had on the Webb bill, this matter was pending in Congress?

Mr. HOBSON. I think it was.

Mr. DUPRÉ. Did you press it before the committee at that time, Mr. Dinwiddie?

Mr. DINWIDDIE. No, sir; it was not before the committee so far as I know. I believe such a resolution was referred to the committee.

Mr. CARLIN. It was before the committee.

Mr. HOBSON. That is my impression.

Mr. DUPRÉ. There was no intimation made at that time that this question of national constitutional prohibition would be pressed?

Mr. DINWIDDIE. I do not recollect making that suggestion. I think, however, that it was good policy upon our part to make the States as thoroughly competent to deal with the situation as they could be under present conditions while we were getting ready for the other movement.

Mr. BEALL. How do you reconcile your attitude now with what you said when the Webb bill was under consideration? In that hearing you said:

I am not contending that it is our business here to determine what the policy of the States shall be on this question. I am a northern man, born in Ohio, and reared a northern man, but I have enough of the principle of State rights in me to say that it is not the business of the Federal Government to inquire into the question of what the attitude of the States shall be on this question. They ought to be left free to exercise their police powers in their own way. I think I hazard nothing when I make the statement that if it had been proposed originally, when the Constitution of the United States was adopted, to deprive the States of their police powers, we never would have had a Constitution of the United States.

Mr. DINWIDDIE. I do not see that there is anything necessary to be taken back on that score, Mr. Beall. I think the States ought to have that right, and I do not think that this resolution takes that right away from the States. I am perfectly frank to say that if this amendment would withdraw from the States the right to prohibit the liquor traffic, I should feel that this was a very serious retrograde movement. In answer to the question that was raised by somebody a little while ago, I will say that I do not believe that it does that. A new situation altogether will develop when this constitutional amendment is proposed to the States and is ratified. Then we will have a different constitutional provision that has been ingrafted upon the organic law by the votes of three-fourths of the States of the Union. That is a different situation.

Mr. FLOYD. If you will permit me right there, section 2 of the resolution does take away from the States the power that they have now and confers it upon the Federal Government.

Mr. DINWIDDIE. I do not believe that the Federal Government can operate—I do not believe that it prevents the States from operating concurrently with the Federal Government along those lines.

Mr. FLOYD. Under the present law, or under the present Constitution, it is within the power of the State not only to prohibit the sale but to prohibit the manufacture within its borders of intoxicating liquors for any purposes, and a number of States have such laws.

Mr. DINWIDDIE. And use—I think that is a mooted question.

Mr. FLOYD. That is, you leave that power in the States. Under this amendment you take away from the State the power that it now

has and you confer upon the Federal Government the right to provide for the manufacture, sale, importation, and transportation of intoxicating liquors for sacramental, medicinal, mechanical, pharmaceutical, or scientific purposes, or for use in the arts. Now, that section 2 does not prohibit the manufacture of liquor for those purposes.

Mr. DINWIDDIE. If it is the idea of the committee that it can be covered by an amendment, I shall not oppose the committee doing that. I think that the States can go further than the Federal Government can go in this matter, but I think the point of it is that the States can not go contrary to section 1 of this amendment if it carries; that is, the States can go further and buttress this by further legislation.

Mr. FLOYD. In order to make my point clear, let me ask this question: Take one of the States that prohibits the manufacture of liquor within its borders for any purpose, does not this give Congress the power to invade that territory and authorize the establishment of distilleries within its borders?

Mr. DINWIDDIE. Now—

Mr. FLOYD (interposing). That is a State law, now.

Mr. DINWIDDIE. Sure.

Mr. FLOYD. Suppose you confer upon Congress the power to provide for the manufacture, sale, importation, and transportation of intoxicating liquors for sacramental, medicinal, mechanical, pharmaceutical, or scientific purposes, or for use in the arts, and within one of the States whose laws now prohibit absolutely the manufacture of liquor for any purpose, a concern or individual applies under authority of Congress for the privilege of manufacturing liquor for these purposes, and Congress grants it, then what will your State do?

Mr. DINWIDDIE. Congress must not do that. If there is any danger of that, and if the wording of this amendment is supposed to permit that, it can be handled possibly by such an amendment as Mr. Fitz-Henry has suggested. Certainly the proponents of this legislation would not say a word against it, because we do not want to take away from the States a single power they now possess with reference to controlling this policy, but, of course, if this amendment is submitted and ratified by the requisite number of States, under the constitution, then a new policy is in existence and a new régime is on.

Mr. FLOYD. I want to call your attention to the fact that you confer upon Congress the power to regulate liquor by constitutional amendment for specific purposes, and you authorize its manufacture for specific purposes. When you do that, you unquestionably take away from the State the power it now has to absolutely prohibit the manufacture.

Mr. DINWIDDIE. That condition should be covered by an amendment which will make it impossible for Congress to nullify the prohibition policy of a State. Unquestionably I should say that that ought to be done. I do not think that the proponents of the legislation would object.

Mr. MCCOY. Do you maintain that if a State were overwhelmingly in favor of permitting the manufacture of liquor for sale, the passage of this resolution and the adoption of it by the States would not affect the rights of the States?

Mr. DINWIDDIE. No, sir; I did not say that on that score. I say that it will not interfere with the State prohibition policy. Certainly when three-fourths of the States ratify this article or this proposition it becomes the national policy, and then no State can pass legislation or maintain legislation out of harmony with this policy. There is no doubt about that.

Mr. MCCOY. Then what becomes of your statement, made in the hearing on the Webb bill, that Mr. Beall read a few minutes ago, that you would not seek to interfere or advocate interference with State rights? If a State has the right to prohibit, it also has the right to permit the manufacture and sale of liquor.

Mr. DINWIDDIE. I do not think I said I would not; I said I was not doing it. The whole theory of the Webb-Kenyon law was the proposition—

Mr. MCCOY (interposing). I understand that. If necessary, Mr. Beall will read that statement again to show whether or not you said that you were not or that you would not.

Mr. DINWIDDIE. I do not think I said that I would not. At any rate, in these days—

Mr. MCCOY (interposing). Let us get down to this proposition here in this hearing; will you read that again, Mr. Beall.

Mr. BEALL. Yes; and I would like to read something else in connection with it:

I am not contending that it is our business here to determine what the policy of the States shall be on this question. I am a northern man, born in Ohio, and reared a northern man, but I have enough of the principle of State rights in me to say that it is not the business of the Federal Government to inquire into the question of what the attitude of the States shall be on this question. They ought to be left free to exercise their police powers in their own way. I think I hazard nothing when I make the statement that if it had been proposed originally, when the Constitution of the United States was adopted, to deprive the States of their police powers, we never would have had a Constitution of the United States.

A little later Mr. Carlin asked this question:

Mr. CARLIN. In any aspect of the bill, it is not intended to interfere with the individual right of the citizen to purchase liquor for his own use, but is simply directed against the unlawful sale of liquor in those communities and States where it is prohibited. Some State might undertake to say that it could not be carried into a county for any purpose, and then this law would interfere with the individual right of the citizen if it gave full force and effect to a law of that sort.

Mr. DINWIDDIE. Yes, sir; if it was a constitutional law. Our position is that the Congress of the United States ought to take the position of permitting the State to give full force and effect to the laws of the State. This is our whole contention. This bill of itself interferes with no man's rights to import intoxicating liquors for the purpose of personal consumption. That question, in my judgment, is not involved here and it ought not to be raised here. If the State proposes to try that, and if it can be constitutionally done—if the State proposes to interfere with the personal use of intoxicating liquors, that is an entirely different proposition and under the control of the State.

Mr. DINWIDDIE. Yes; that is all right; but I do not want to consume time. I shall be glad to make an argument later on that side of the proposition, if the members of the committee desire it. I was talking then, as you gentlemen know, or as most of you know, because the most of you were members of the committee at that time, I was talking then for the Webb-Kenyon bill, a bill which proposed to give the States rights that they did not then possess, as everybody knew. I was not discussing some bill that might come up in the future that we did not know anything about then. I said that it

was a mooted question; that it had been a mooted question for generations; and that we would ultimately come to national prohibition. But the mere fact that we want to safeguard the rights of the States under the present condition does not violate the principle that some of us have stood for, because when this amendment is adopted we will have an entirely new situation in the regular authorized way prescribed by the Constitution itself. When this thing is done, we will have a new policy on this question on the part of the Federal Government which will have been adopted by three-fourths of the States of the Union. Mr. Wheeler, who is the attorney of the league, is here, and he will be heard later on that proposition. I am infringing on the time of others, wholly unintentionally, because I have not taken the time myself.

Mr. DANFORTH. What rights are reserved to the States if this proposed amendment becomes a part of the Constitution?

Mr. DINWIDDIE. The right that was questioned awhile ago by Mr. Webb and possibly by Mr. Floyd and others. The States can go further than the Federal Government can go in the execution and enforcement of this policy.

Mr. DANFORTH. They can carry prohibition further?

Mr. DINWIDDIE. Yes, sir; they can carry prohibition further, but unquestionably, if this is adopted by a vote of three-fourths of the States of the Union, that changes the Constitution and settles the policy of the National Government. Then, I do not hesitate to say that the States can not license the business to be carried on in violation of this article of the Constitution.

Mr. DANFORTH. You are claiming here, as you claimed two years ago, that the States' rights are not being infringed?

Mr. DINWIDDIE. I hardly think it would be proper to say that the rights of the States are being infringed if, by the constitutional method a different policy has been invoked by the affirmative vote of three-fourths of the States.

Mr. DANFORTH. You think that the rights of the other quarter are not to be considered?

Mr. DINWIDDIE. Under these circumstances, no; not any more than they were in the adoption of the other amendments to the Federal Constitution. They did not raise that question with reference to the election of United States Senators. There may have been some States in which a great number of the people were diametrically opposed to that method of electing Senators, but that was the system that had to be adopted because it was prescribed in the Constitution; it was submitted and it was adopted in the regular prescribed way. That is all that this proposition does. It does absolutely establish a different policy on this question.

Mr. DYER. That involves about the same principle as the amendment to give the right of suffrage to women, does it not?

Mr. DINWIDDIE. I think there is a very decided difference. I do not want to go into the suffrage proposition. I happen to be in favor of woman suffrage myself—possibly not radically so, but absolutely thoroughly so. But there is a vast difference, according to my notion, between the question of regulating the liquor traffic and the question of putting a tax on incomes, etc., and changing the electorate of the States.

Mr. DYER. I do not want to go into that question, but would this be taking from the States the privilege of handling this question the same as it would be taking from the States the privilege of handling the question of suffrage?

Mr. DINWIDDIE. Yes; except that it does not go to the question of sovereignty as much as the question of suffrage does.

Mr. MCCOY. What does this language mean, again reading from your testimony on the Webb bill, "I am contending that it is our business here to determine what the policy of the State shall be on this question"?

Mr. DINWIDDIE. It was not, and it would not be, until the people in the prescribed way changed the Constitution, and I certainly would never indicate that the people by the regular method of amending the Constitution could not change the policy on this question.

Mr. MCCOY. No; and nobody claims that they can not if they want to, but are you not urging now that the Federal Government do make it its business to inquire into this question, by urging this resolution?

Mr. DINWIDDIE. It is simply putting it up to the electorate of the States. The Federal Government does not have to inquire into that proposition. That is a change in the fundamental law by which in the regular way the people themselves do it.

Mr. BEALL. You are for that change?

Mr. DINWIDDIE. Yes, sir.

Mr. BEALL. Therefore you are in favor of the Federal Government concerning itself about the question that you said the Federal Government should not concern itself about?

Mr. DINWIDDIE. But I think that the Federal Government can do that if the people have passed on it and have completely changed the policy on this question.

Mr. BEALL. And you advocate it?

Mr. DINWIDDIE. Yes; I do in the development of it. I think the time is ripe for that now; at least, it is ripe for commencing the work of doing it. I am not oblivious to the fact that that can not be done in a day. It is going to take a campaign of education and reconstruction.

Mr. MCCOY. I want to ask you one more question: Did you not state in a private conversation with members of this committee that if the Webb law were enacted you would not come here and ask for a constitutional amendment, as you considered that that law was all that Congress ought to be called upon to enact?

Mr. DINWIDDIE. I do not recollect it.

Mr. MCCOY. I do.

Mr. DINWIDDIE. I do not, and I should hardly think that—I think I must have been misunderstood at that time.

Mr. MCCOY. It is entirely in line with your testimony which is in the hearing.

Mr. DINWIDDIE. I do not see how it bears on the merits of the proposition.

Mr. MCCOY. Not at all; but it bears on your attitude on the question at this time.

Mr. DINWIDDIE. I am somewhat in the attitude of the gentleman from New Jersey, in that I am here in a representative and not in a personal capacity. Sometimes I am called upon—I do not consider

this is one of the occasions, because I am in favor of this—to acquiesce in an action that I do not personally approve, although I would not acquiesce in it if it violated the principle; but I am sometimes compelled to favor propositions that personally I do not favor, and I am sometimes compelled to oppose propositions that I favor. The gentleman is a party man and believes in organization with a view of getting somewhere. I am here only in a representative capacity, and would never appear here in this way except as representing a constituency.

Mr. VOLSTEAD. The Supreme Court has held, in reference to the interstate-commerce law, that the fact that Congress is given the exclusive power to regulate commerce excludes the States from any power so far as the regulation of commerce is concerned. Now, would this affect the power of the States over commerce at all when you prescribe in this proposed amendment that the manufacture for sale, transportation for sale, importation for sale, and exportation for sale of intoxicating liquors for beverage purposes is a federal question? Would it not be reasonable to suppose that the Supreme Court might take the same view of this and absolutely wipe out the power of the States in reference to commerce in intoxicating liquors, and thus leave them infinitely worse off than they are now?

Mr. DINWIDDIE. I do not think so. I am going to address myself to that proposition in a briefer way than I will ask to file with the committee.

Mr. TAGGART. Let me add right there that in the exercise of that degree of police power that the United States now exercises there is no conflict of authority between the United States Government and the State governments. The United States has statutes against slavery and peonage, but there is no prohibition against a State enacting laws of their own prohibiting and punishing peonage. The Statutes of the United States define and punish assault on persons engaged in the Government service, such as mail carriers, but it does not interfere with the States prescribing punishments and enacting laws providing for the punishment of like assaults. A man may be punished twice for assaulting a mail carrier, punished by the United States as well as by the State.

Mr. GRAHAM. When the United States takes jurisdiction, the State loses jurisdiction. If you punish a man under a State statute and at the same time under a federal statute for the same offense, it would be double punishment.

Mr. TAGGART. Let us see if we can not agree on this; if an assault is committed on a government official out here in the State of Maryland, the State can punish the person who committed the assault, but, of course, if the United States court gets hold of it first and punishes him, he can not be punished again. He can not be put in jeopardy twice for the same offense.

#### STATEMENT OF MR. JAMES CANNON, JR.

Mr. CANNON. Mr. Chairman and gentlemen of the committee, I have five minutes, I believe, in which to state very briefly my position. I want to say to the members of the committee that I am a State-rights Democrat; I have always been so, but I am, also, a citizen of the United States. As I understand it, the Constitution of the United States is accepted by all State-rights Democrats. It is recognized

that the Constitution itself abridges certain liberties and rights of the States, and it was adopted with that understanding. Whenever the time comes that any amendment to that Constitution is adopted, it is because it is adopted by the agreement of three-fourths of those States who say, "We will give up that right." There is no need for us, of course, to hesitate at all in that matter. The Constitution has a certain preamble, as follows:

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty, to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Why a constitutional amendment? There is never a reason for one until it becomes necessary in order to secure domestic tranquility, to promote the general welfare, and secure the blessings of liberty. Whenever the time comes that the people of the United States believe that in order to secure those objects an amendment to the Constitution is necessary then the technical political idea of the right of the State must pass away before the proposition of the Union, which is to accomplish certain things. Now, the question simply is, Has that time come? It is not a question of what some gentleman may have said here before the committee; it is not a question of what some gentleman may have said in the public press anywhere; it is a question of whether the time has come for a certain amendment to the Constitution to be adopted. We do not say, however, to this committee, as Capt. Hobson has said, that we expect you to pass upon it, but we do say that there is enough ferment in this Nation, and we do say that there is enough question in this Nation that this great evil is so destructive that the time has come when the people of this country should be given an opportunity to say whether they want to surrender this right in order that the Federal Government may step in and take control of this matter, so that we may accomplish the purpose for which the Union was established. Why can it not be met by local laws? We have local laws in Virginia; we have a law there that gives us the right of local option; we have statutory prohibition with the Mann law and the Bird law, and we have laws that do not allow saloons in the country districts.

We are going to have a vote on the question of State-wide prohibition on the 22d of September, and we hope and believe that the State will go dry and that we will prohibit saloons in our State. Now, you say, "Why not stop there? Why not simply rest with that and with the Webb-Kenyon law which you have?" It is simply because the liquor traffic is a traveling nuisance. It is not a local nuisance simply; it is a local nuisance, and it is the duty of the local authorities to abate that nuisance and to enjoin that nuisance and get it out from the common life of the people. But it is more than a local nuisance; it is a traveling nuisance. My friend from North Carolina can not have a dry State. Why, a man can go down in his State with a jug of liquor and get drunk and murder people right there as the result of the jugs that go into that State from Richmond. You may pass a law if you please, but you can not prevent a man from carrying a bottle of whisky in his pocket. You can not prevent him from going from Norfolk over into Elizabeth City and drinking his liquor.

Mr. WEBB. This resolution does not seek to touch that either.

Mr. CANNON. But if he could not buy in Norfolk, then it would not be possible for him to carry it over into Elizabeth City.

Mr. WEBB. But he can manufacture it if he does not have the opportunity to buy it.

Mr. CANNON. That is true, provided he goes to all that trouble in order to gratify his appetite. If that be done, then, of course, we will have this resolution, but our purpose—

Mr. WEBB (interposing). He will be violating the law in both cases in my State. He violates the law if he takes the jug down into my State.

Mr. CANNON. I started to say that our aim is to make it as difficult as possible to commit this public nuisance. I am not trying to legislate goodness into a man. You can not take covetousness out of a man's heart and you can not take lust out of his heart; but you can protect your wife and children by a law that provides that he can not exercise his lust except at the risk of dying in the electric chair. In the same way we can not make a man sober by law, but we can protect the innocent. We think that the time has come for a constitutional amendment, because the liquor traffic can not be localized. We want the Webb-Kenyon law, and we want all the protection that we can get, and we want all the power we can get; but we do not say that this is in any way contradictory; we believe that this is supplementary. All this comes under the control of the law. Now, gentlemen, all that we ask you to do is to allow the people of this Union to decide whether they think the time has come for the States to surrender this right. That is all we ask. If they do not agree to that, or until they agree to that, then we have the protection of the Webb-Kenyon law. If they do agree to it, then the Constitution has been changed. We who believe in State sovereignty are citizens of the United States, and we say that this ought to be changed, that this amendment ought to be adopted, and that the States ought to have this right for the common welfare.

Mr. HOBSON. Let me now introduce Mrs. M. D. Ellis, superintendent of legislation of the National W. C. T. U.

**STATEMENT OF MRS. M. D. ELLIS, WASHINGTON, D. C.,  
SUPERINTENDENT OF LEGISLATION OF THE NATIONAL  
WOMAN'S CHRISTIAN TEMPERANCE UNION.**

Mrs. ELLIS. I am here representing the Woman's National Christian Temperance Union. We have a number of our State presidents here, and I shall not take much time, but I did want and still want the committee to see this map [exhibiting it]. The white means prohibition territory as it exists to-day in our country. Forty-one million people are living under prohibitory law in this country to-day. I want to introduce at this point Miss Anna A. Gordon, who for 16 years has been the vice president at large of our organization, and who is now the acting president.

The CHAIRMAN. You have made very substantial progress, madam, without this constitutional amendment in the matter of bringing the country under prohibition, have you not?

Mrs. ELLIS. Yes, sir.

The CHAIRMAN. Forty-one million people are living under prohibition without this constitutional amendment. Now, do you not



think that by keeping up your efforts you can bring the country altogether to temperance without this constitutional amendment?

Mrs. ELLIS. We need the help of the Government of the United States to enforce our law, and we believe that the Government should go out of the liquor business, and not allow its manufacture.

The CHAIRMAN. I appreciate very much your argument, madam, but you did not answer my question.

Mrs. ELLIS. I am afraid I did not. Well, what shall I say?

The CHAIRMAN. I asked you if you had not made very substantial progress in the cause of temperance without a constitutional amendment?

Mrs. ELLIS. Yes, sir.

The CHAIRMAN. And whether you do not believe that even without this constitutional amendment, such as is proposed here to-day, you could by the same methods that you have pursued heretofore bring the country altogether under prohibition?

Mrs. ELLIS. We believe this, Mr. Chairman, that with the aid of the Government of the United States we can do very much better than by the States alone.

**STATEMENT OF MISS ANNA A. GORDON, EVANSTON, ILL., ACTING PRESIDENT OF THE NATIONAL WOMAN'S CHRISTIAN TEMPERANCE UNION.**

Miss GORDON. Mr. Chairman, the National Woman's Christian Temperance Union is organized in every State in our Union and in thousands of localities. It is represented here this morning, as Mrs. Ellis has said, by prominent leaders from States, but our honored president, Mrs. Lillian M. N. Stevens, who for 16 years has magnificently led our great organization, when this hearing was being planned fully expected to stand before this committee and present an argument in favor of national constitutional prohibition. On March 29, only about two weeks ago, she realized, because of her serious illness, that she might not be able to attend the hearing, and Mrs. Stevens prepared a brief statement embodying her belief in the final triumph of national constitutional prohibition.

The CHAIRMAN. I might say that the committee noticed with great regret the death of Mrs. Stevens, who has several times appeared before this committee.

Miss GORDON. Thank you, Mr. Chairman. Sunday a week ago Mrs. Stevens said to me, "I have prepared this little statement, and I wish you would go down to Washington and read it before the honorable Committee of the House Judiciary. I read it, gentlemen, from the very document that Mrs. Stevens herself wrote, and I read it reverently:

The movement for national constitutional prohibition is meeting with greater favor than I dared to hope on that memorable evening, September 10, when on behalf of the World's and National Woman's Christian Temperance Unions I made the proclamation, and I dare to hope almost everything for the temperance cause. I know we are to win.

In whatever world I am my activities will be devoted to this end.

The destruction of the liquor traffic will glorify God in Heaven, and on the earth will hasten the establishment of the kingdom of our Lord and Saviour Jesus Christ.

It is signed by Lillian M. N. Stevens, at Portland, Me., March 29, 1914.

Gentlemen of the committee, from the early days of the organization of the Woman's Christian Temperance Union, in this Nation, we have believed in, we have advocated, and we have worked for the prohibition of the manufacture and sale of alcoholic liquor as a beverage, and we have worked and stood for national constitutional prohibition; and, while I am not this morning making any argument, I am here simply to present this simple message from our warrior hearted, translated leader of so many years of earnest work. I do beg you, on behalf of the National Woman's Christian Temperance Union, on behalf of the membership of mothers, sisters, wives, and daughters we represent, to report favorably from this committee the House Joint Resolution under consideration this morning.

MR. HOBSON. I would like to introduce Mr. William H. Anderson, superintendent of the New York Antisaloon League.

**STATEMENT OF MR. WILLIAM H. ANDERSON, SUPERINTENDENT OF THE NEW YORK ANTISALOON LEAGUE.**

MR. ANDERSON. Mr. Chairman and gentlemen of the committee, I am here in a double capacity, representing the New York Antisaloon League and also as the national legislative superintendent of the Temperance Society of the Methodist Episcopal Church, which has a membership, including its communicants in this country, of 3,000,000, and with total adherents of about 10,000,000. Now, Mrs. Boole, of the New York W. C. T. U., is here to speak for the organized temperance women of the State, and I am sure that I represent the convictions and sentiment of the temperance men of the State of New York when I say that they want this proposition. The very suggestion of a national amendment has given a new impetus to the antisaloon league work in the State of New York. We have there a national problem to some extent. A large proportion of the men who come to America from the old country stop there, and we have the burden of trying to fit them in some degree for citizenship, and we have more than our share left with us. Then, in addition, from the entire country we have a large number of prosperous people who come to New York to spend their money sometimes in riotous living, and if we are to have the other end of this proposition forced upon us, we need the help of the moral element of the country as well. Now, I just want to get into the record a letter that indicates something of the nature of the traffic that we are seeking to have a chance to be protected against. I will read the letterhead first:

Our brands our standard brands. Known the country over as the best. Kentucky Distillers Distribution Co. Distributors direct from distillery. Finest high-grade, straight whiskies, brandies, wines and gins.

KANSAS CITY, MO., December 3, 1913.

KEELEY INSTITUTE, *Dwight, Ill.*

That is an institution with branches over the country for reclaiming drunkards—

GENTLEMEN: Our customers are your prospective patients.

We can put on your desk a mailing list of over 50,000 individual consumers of liquor. This list is the result of thousands of dollars of advertising.

Each individual on the list is a regular user of liquor. The list of names is new, live, and active. We know because we have circularized it regularly. We will furnish this list in quantities at the prices listed below. Remittance to accompany order.

40,000 to 50,000.....	\$400
20,000.....	300
10,000.....	200

We will not furnish this list in less than lots of 10,000.

Discontinuance of business January 1 is the occasion of selling our mailing list.

Yours, truly,

KENTUCKY DISTILLERS' DIST. CO.  
W. FRANKLIN, *President*.

In other words, these men admit that their traffic leads to drunkenness and the destruction of the people, and, forced out of business by the advance of the temperance wave and the fact that they have destroyed the earning and buying capacity of their customers, they have given the screw one more turn and want to sell their lists and make a few hundred dollars by turning it over to a drunkards' reclaiming agency. Now, that is the institution that our people over the country are seeking to have a chance to protect themselves against. I thank you.

Mr. HOBSON. I would like now, Mr. Chairman, to present Mrs. Frances P. Parks, corresponding secretary of the National W. C. T. U.

**STATEMENT OF MRS. FRANCES P. PARKS, EVANSTON, ILL.,  
CORRESPONDING SECRETARY OF THE NATIONAL WOMAN'S  
CHRISTIAN TEMPERANCE UNION.**

Mrs. PARKS. Mr. Chairman and members of the committee, Capt. Hobson reminds me that I am to have three minutes, and I want to ask your honorable body to cut that to two minutes and place my remarks in the record. May I have that permission?

The CHAIRMAN. You may have that privilege, but we hope, madam, that you will not abuse that privilege, and I am quite sure you will not, by the printing of an unusually long document. The reason for my saying this is because the committee extended that privilege to a gentleman recently in the hearings on another bill, and the gentleman printed a part of a magazine or book. If the matter is your own original writing, the committee will have no objection.

Mrs. PARKS. It would take less than five minutes to read it, and I am sure it would not be an abuse of the privilege.

The CHAIRMAN. No lady has ever abused that privilege, but at least one man did. You shall have that privilege of extending your remarks.

Mrs. PARKS. Mr. Chairman, we appear before your honorable committee and ask you to report upon House joint resolution No. 168 for a prohibition amendment to the Constitution, and thus bring this amendment before the House where it can be discussed. Follow ing the courteous hearing which was granted by this committee in December, the National Woman's Christian Temperance Union issued and circulated through its auxiliary State societies a form for presenting the question of a constitutional prohibition amendment before churches, societies, and organizations to be voted upon. The sentiment of the people may be gauged somewhat by the signed indorsements of this resolution which have been filed with the National Woman's Christian Temperance Union, representing over 3,000,000 people. Our organization is represented here to-day, as has been stated by Capt. Hobson and Miss Gordon, by State leaders

who will tell something of the sentiment for the amendment in their respective States. There are representatives here from the North, the South, from the East, and from the Middle West. The Far West is not represented, and on behalf of the voting women of the West, 4,000,000 strong, I ask that this resolution be submitted to the House elected to represent all of the people, women as well as men, for consideration. I thank you.

(The remarks submitted by Mrs. Parks are as follows:)

Mr. Chairman, we appear before your honorable committee this morning to ask you to report upon House joint resolution No. 168 for a prohibition amendment to the Constitution and thus bring this amendment before the House where it can be discussed.

Following the courteous hearing granted by your committee in December, the National Woman's Christian Temperance Union, through its State auxiliaries, circulated a form for presenting the question of a constitutional prohibition amendment before the churches, societies, and organizations to be voted upon. The setniment of the people may be gauged somewhat by the signed indorsements of the joint resolution which are being presented daily to Members of the House and Senate. At this time 8,000 resolutions, representing over 3,000,000 people, have been filed by the National Woman's Christian Temperance Union, and many thousand have, no doubt, been sent direct to Members of Congress from the bodies voting upon them.

Our organization is represented here to-day by speakers who will testify to the deep and persistent interest of the people of the North, of the South, of the East, and of the middle West in the movement for national constitutional prohibition.

I desire to speak on behalf of the unrepresented West, where women vote for Members of Congress and for the President of the United States. Of the 4,000,000 women voters—the number is likely to be increased by amendments now before the voters of Montana, Nevada, Nebraska, North and South Dakota, and Missouri—not all are Democrats or Republicans or Progressives or Socialists or Prohibitionists, but they do hold the balance of power. They place their influence on the side of temperance, morality, and good government. They stand for the home and “the child in the midst,” for principles and not for party. On behalf of the voting women of the West I ask you to report upon this resolution that it may come before the House, elected to represent all the people, women as well as men, for consideration. I thank you.

Mr. HOBSON. I would now like to introduce Mr. Wayne B. Wheeler, the national counsel for the Anti-Saloon League and also the State superintendent for the State of Ohio.

**STATEMENT OF MR. WAYNE B. WHEELER, NATIONAL COUNSEL FOR THE ANTI SALOON LEAGUE, AND STATE SUPERINTENDENT OF THE STATE OF OHIO.**

Mr. WHEELER. Mr. Chairman and gentlemen of the committee, this resolution, we believe, is the logical result of the tendency of the times toward a government under which the people may protect themselves from evils and wrong, one of which being the organized liquor traffic of our Nation. Our faith is in our form of government where the people rule through majorities, and that when they are given the opportunity to better their condition with the proper information before them they will do so. We began this contest for bettering their condition naturally in the States, because that was the only point where we had the authority from which to start. We began it down in the local units—those where we had the best opportunities to get laws which would give us that protection. That was the reason for the passage of local option laws, like township and village option laws, and then later State option laws; then on up to the county units. That was the step of progress, and each step of progress

increased our obligation and opportunity to go forward and still further to better the conditions of the people.

Then, we came on up to the States, and in many States we can now vote, and in my own State we can put the liquor traffic out of the smallest unit of the State, on up through to the State itself. In each step that we took we met the solid opposition of the liquor interests, whether we worked for local option, or whether we worked for restriction—no matter what law we worked for to further restrict this traffic, to prohibit it, or to have it enforced, we had the solid opposition of our enemies. Now, then, as we worked up the hillside of progress, we found that we were dealing with an enemy that was unwilling to concede to us any rights to have a law that would protect the people from the evils of that traffic, whether it was restrictive or prohibitory. When you fight that kind of a foe, you must go to the logical result, and when they barricade themselves behind national protection of the traffic, there is only one thing that the people who want protection can do, and that is to meet them at their last place of strength. So we have asked for this protection, first in the smaller unit, and then coming on up through the States, and now on up to the Nation. We feel that there is nothing inconsistent in that position of moving forward as fast as the vision of the people broadens, and as their convictions deepen upon this great question, and asking that the Federal Government take this position of submitting a change of policy back to the States for their adoption or rejection.

It is not in any way destroying the power of the States, the police power of the States, in dealing with this question. We can go further in the States than the national policy would suggest. If the national policy was to prohibit the sale and the manufacture for sale, and the police power of the State has not been curtailed by the constitution of that State, they can then go as far as they could under that constitution before the adoption of the national policy of prohibiting the manufacture for sale and the sale of intoxicating liquors. That brings us to the question that was raised here, whether a man can commit an offense against different units of the Government. I think we find a splendid illustration of that fact in our States to-day, where a man is found selling liquor and the Federal officers arrest him for selling liquor without paying the Government tax, usually called a Government license. We bring him into court as a criminal and try him there as a criminal. We use the same witnesses in our State to bring him into the State courts, and we convict him first of all in the State courts for selling there in violation of the local option law. I have had these cases to go clear up to the courts of last resort, and I know whereof I speak. Then we convict for selling there in violation of the local option law.

Then we go a step further, and we convict him for keeping the place in violation of the law and as a public nuisance under another section. Then we have now just threshed out in our local courts the proposition that after we have convicted him in all three we can bring him back to the mayor's court and convict him for selling liquor without a State license. He pays up all four of those penalties, because he commits offenses against four different units of government. Each has authority to provide a penalty for his dealing with liquor contrary to the statute.

Mr. TAGGART. I may interrupt just long enough to say, that in those prosecutions for offenses against the different sovereignties, what I had in mind awhile ago when I raised the question that different phases of the same offense might be prosecuted in different sovereignties, was that under all the decisions of the Supreme Court at this time—

Mr. WHEELER (interposing). That is the law.

Mr. TAGGART. Different phases of it may be prosecuted in the State, namely, for not having a State license, which is one phase of it—

Mr. WHEELER (interposing). And he may be prosecuted by the Nation for not having paid his United States revenue tax, as we would call it.

The CHAIRMAN. You would prosecute him in one place for a violation of the Federal law and prosecute him in another place for the violation of the State law?

Mr. WHEELER. That would be the fair way to state that proposition; but we can convict him four times with the same evidence in our State. We are doing it right along. I believe that when the whole Government adopts the policy of prohibiting the sale and manufacture for sale of intoxicating liquor, that unless the State, through its State constitution, is limited under the present power, it may go further. The question that was raised here was whether or not when the Congress provided for the manufacture for sale for these specific purposes that precluded the State. There is a twilight zone there, and there are arguments and decisions on both sides of that question. I would suggest that for the sake of clearness the proposition that was suggested by a member of the committee be added, "concurrently with the State, but not contrary to this policy." Then you have your proposition so that there can not be a peradventure of doubt upon it. I think you will find that there will be no opposition on the part of the friends of the amendment to make it so clear that everybody can understand that we are not trying to limit that power of the State.

Mr. CARLIN. Why not let Mr. Hobson change his resolution to meet that view and introduce it at once?

Mr. WHEELER. I think that he would be willing to submit to the committee a wording which would be satisfactory to all the persons concerned here, because there will be no opposition, I think, upon that point, so far as I know.

Mr. VOLSTEAD. What do you think of this language?—

This amendment shall not prevent any State or Territory from prohibiting any of the acts herein prohibited or permitted.

Mr. WHEELER. That is good. There are two or three different wordings that would cover it and make it clear. I think that through Capt. Hobson we can easily agree upon a proposition which will make that definite and plain. Now, with reference to the proposition of the policy of submitting it, we believe that the Congress is in the same position as the State legislatures were when we asked them to submit the question to the different units of the State and give the people an opportunity to better their condition. Now we have come to the larger units, and we ask you to give to the people of the States, through their legislatures, an opportunity to better their conditions in the State and in the Nation. That, it seems to me, is a power that we have an inherent right to have—that is, a condition of government that will make it possible for us to promote the general welfare that

is written in the Constitution. Our courts have construed that provision as to what is possible to promote the general welfare, and one of them is prohibiting the liquor traffic. In this instance, of prohibiting the liquor traffic, it is promoting the general welfare, because our courts have well said and have characterized the liquor traffic as a source of crime and misery to society. That is the characterization of our court of last resort of the beverage liquor traffic in this country. They have said stronger things by far than most of our so-called radical temperance advocates to-day have said.

A traffic so characterized by an impartial tribunal, a traffic that has caused so much insanity, so much poverty, so much delinquency ought not to have such protection from the legislative branch of the Government as to prevent the people from eliminating it entirely as soon as they want that done, and the price that each individual pays for being a citizen of this country is that when the people through the constituted agencies of Government want to move forward he gives up what he would call his personal freedom or personal rights and sinks them into the Government of which he is a part in order that the general welfare may be advanced.

Mr. DYER. The opponents of this measure claim that there is more insanity and disease of that nature in prohibition territory than in the other.

Mr. WHEELER. That is not true, and we will submit to you facts with reference to it, because we have them taken from the last census report, which I am sure can not be contravened.

Mr. DYER. I would be glad to have you put them in the record.

Mr. WHEELER. We will be glad to do that.

Mr. PETERSON. Your ultimate purpose is to bring about complete prohibition both in the sale and manufacture of intoxicating liquors?

Mr. WHEELER. Of the beverage liquor traffic.

Mr. PETERSON. Why do you now limit it to the sale? Why not go the complete route and destroy the whole thing?

Mr. WHEELER. Because there are certain policies of the Federal Government to eliminate the traffic as such. The States then can supplement that with further legislation, because all of the States do not believe in quite the same policy on that point. In the next place, the National Government or the Congress could then supplement that with further legislation, as it was deemed best to do so. The first point to be considered is the traffic—that part in which the individual along with another individual makes a contract for the sale of a certain commodity which produces crime and misery, according to our Supreme Court decision.

Mr. PETERSON. Do you think it is the national policy to ultimately eradicate the liquor business entirely and destroy it? Is that your idea?

Mr. WHEELER. It is certain that the beverage liquor traffic should be destroyed.

Mr. PETERSON. If that is the national policy, why not go about it at once, as Mr. Hobson suggests, and have an end to the whole thing?

Mr. WHEELER. Frankly, as a matter of policy, I would say attack the traffic, and then if we find that our enemy will follow up its history of trying to defy, we can supplement the law by such legislation as is needed, either by Congress or by the States, in order to eliminate the evil to which you refer.

Mr. PETERSON. Has your experience taught you that that will be the base anyway?

Mr. WHEELER. Not when you have driven the Government itself out of the business, and it no longer gets blood money from the traffic. That is what makes the trouble. As long as the Government gets that revenue from it there is a certain amount of leniency toward it that there would not be otherwise.

Now, I will add to this a reference to some of those decisions so that the gentlemen of the committee will have them and know the policy of the courts on the points to which I referred.

Mr. HOBSON. I assume that all the witnesses before the committee may have general consent to reasonably extend their remarks in the record.

The CHAIRMAN. I suppose there is no objection to that on the part of the committee. We have had one unpleasant experience, however, in that regard, and we hope that nobody will abuse that privilege. If so, the committee will feel constrained, if it finds it out in time, to prevent the abuse by preventing the printing of anything beyond a reasonable extent. We are quite sure that the ladies and gentlemen who appear here to-day will not abuse that privilege.

Mr. HOBSON. I now desire to present Mrs. H. M. Hoge, president of the Virginia W. C. T. U. and secretary of the National W. C. T. U.

**STATEMENT OF MRS. H. M. HOGE, LINCOLN, VA., PRESIDENT OF THE VIRGINIA WOMAN'S CHRISTIAN TEMPERANCE UNION, AND SECRETARY OF THE NATIONAL WOMAN'S CHRISTIAN TEMPERANCE UNION.**

Mrs. HOGE. Mr. Chairman and gentlemen of the committee, I am glad to represent here the Woman's Christian Temperance Union and to say to you that the temperance woman, and that means a majority of the women of our State, want your help in further abolishing the liquor traffic. It is not only the women, I am glad to say, that want it in Virginia. You have already heard from one of the men from Virginia, but I have in my hands some letters from voters, and the first one is from the Christian Endeavor Union. I do not wish to impose upon the generosity of this committee, but I would be glad if they would take the time to look over these letters and see that something like a score of voters from different sections favor this resolution. They represent bankers, and there is one from a member of our recent legislature, and officials of various kinds. There are railroad men represented and different business interests are represented. I could have had many thousands of such letters, I am sure, but that would have been an imposition, of course. We want this because we recognize that all along the line, in every step that we have taken, the liquor traffic always tries to violate the law. We do rejoice greatly in all that has been gained by laws that have been passed. We especially rejoiced in the passage of the Webb-Kenyon bill. That is a great help, but because the liquor traffic can not be regulated, because it is a violator of the law, because of the very nature of the business, we know that we shall have national constitutional prohibition. We respectfully ask this morning that you will place your approval upon this resolution and that you will use your efforts through Congress to give the States of this Union the right to say that the people of this



great country shall be protected from this evil that is seeking to drag down and lower and debauch our people.

Mr. HOBSON. I now desire to introduce Prof. Charles Scanlon, general secretary of the Presbyterian Board of Temperance.

**STATEMENT OF PROF. CHARLES SCANLON, PITTSBURGH, PA., GENERAL SECRETARY OF THE PRESBYTERIAN BOARD OF TEMPERANCE.**

Prof. SCANLON. Mr Chairman and gentlemen of the committee, the Presbyterian Church has 1,415,000 members and 10,000 ministers. They maintain a regular board of temperance and conduct an educational work throughout the entire country and where they have foreign-mission stations in other lands. Eight hundred and fifty commissioners in session last May in Atlanta, without a dissenting voice or vote, passed a resolution asking for this amendment. With your permission, I shall be glad to place in the record that resolution, which does not exceed 25 to 30 words, perhaps. I am also the general secretary of the temperance commission of the Federal Council of the Churches of Christ in America, embracing 33 denominations, with 16,000,000 communicants. This organization has also passed a resolution in favor of this amendment, which resolution is shorter than that mentioned, and with your permission I will be glad to place it in the record.

Mr. HOBSON. I desire to introduce Mrs. K. L. Stevenson, president of the Massachusetts W. C. T. U.

**STATEMENT OF MRS. K. L. STEVENSON, BOSTON, MASS., PRESIDENT OF THE MASSACHUSETTS WOMAN'S CHRISTIAN TEMPERANCE UNION.**

Mrs. STEVENSON. Mr. Chairman and gentlemen of the committee: I represent 10,000 women of the Massachusetts W. C. T. U. and indirectly many times that number of men and women who have signed the resolutions published by the National Woman's Christian Temperance Union asking that the resolution which is before you to-day be passed. That indicates a certain wide-spread dissatisfaction in Massachusetts with the present order of things in regard to the legalized liquor traffic. We have a high license local option law. We have a law which has the unique compliment of being considered by the liquor forces as the best license system in the world. Under that law the number of arrests for drunkenness has steadily mounted in the last nine years, and the increase has been more than 4,000. Last year we had 103,898 arrests for drunkenness. We have had within the past 10 years a commission to inquire into the increased cost of living in Massachusetts, and that commission has brought in a report that \$10,000,000 may be directly attributed to the liquor traffic.

We have had this past year a commission appointed to inquire into the increase of drunkenness, and that commission has brought out some very startling facts with reference to the relation of the legalized liquor traffic in our midst to this increased drunkenness. I am not going to take much time, because there are so many other state presidents who desire to be heard. I can present many facts,

and by reason of the kind courtesy which has been extended to the other speakers, I shall be glad to place a certain document in your hands which I can assure you will not take any more space to print than the average newspaper. It is clearly evident that although we have a high license local option law, under which three-fourths of our area is under legal prohibition, yet more than one-half of the population, as it were, is practically powerless to extend that area over the entire State, or to thoroughly enforce the law where it exists, because of the creation of the liquor traffic in the license part of our State. That is a very clearly defined policy. They select some center which is surrounded by no-license towns, and make that the point of attack for carrying the license, and with that center, the enforcement of the law or the restriction of the extension of the liquor traffic is rendered practically impossible.

Mr. CARLIN. Despite the large increase in prohibition sentiment, how do you account for the large increase in the consumption of liquor?

Mrs. STEVENSON. I did not say there had been a large increase in prohibition sentiment. We have preserved the proportion for a number of years, about three-fourths of the area of the State having been dry territory.

Mr. CARLIN. I am speaking of the Nation.

Mrs. STEVENSON. If you will look into the statistics, which I am sure some of our friends have here, you will find that this increase is entirely in the license States, and that in the no-license or prohibition States there is a great decrease in drunkenness.

Mr. CARLIN. I am not speaking of drunkenness. My understanding is that the records show that in 20 years the manufacture of spirits in this country has increased from 90,000,000 gallons to 140,000,000 gallons.

Mrs. STEVENSON. Again, I will say that if you will look at the statistics you will find that the increase is entirely in license States and not in the no-license States. If we could wipe out of Massachusetts our large cities, such as Boston and Fall River, we would have no increase in drunkenness and we would have no increase in the consumption of liquor. Massachusetts has been extending for a number of years in the country, and it has been doing some moving along this line. Some one has said that the saloon was a moving force, and Massachusetts has been doing some moving herself. In the meantime we have no real thought that Massachusetts will ever be one of the States to pass State-wide prohibition, and I think it will be with the one-fourth minority when you gentlemen pass this—

Mr. CARLIN (interposing). You have not answered my question. I would have the right to infer from your answer that no liquor was consumed in prohibition territory, while those who have preceded you have contended that that is one of the evils you want to stop, especially in the dry territory.

Mrs. STEVENSON. I do not see how you could possibly construe that from my remarks. It is drunk and used in a very limited degree in proportion to the amount used in license territory. I did not mean to take up so much of the time, but you have taken the most of my time. I simply want to say on behalf of the women of Massachusetts and on behalf of the Christian manhood of the State that we earnestly ask your favorable consideration of this petition.

Mr. HOBSON. I desire now to introduce Dr. E. J. Moore, who is the State superintendent of the Pennsylvania Anti-Saloon League.

**STATEMENT OF DR. E. J. MOORE, STATE SUPERINTENDENT  
OF THE PENNSYLVANIA ANTISALOON LEAGUE.**

Dr. MOORE. Mr. Chairman, I want to simply call attention to the situation in Pennsylvania relative to this proposed amendment. Pennsylvania is not a prohibition State, and we are not bragging of the amount of dry territory that we have there. We are helpless so far as local option is concerned, but I find throughout the State, among the temperance element and Christian people of the State, a very emphatic desire that this amendment be submitted. While we are not thinking that possibly Pennsylvania will be one of the 36, yet we are willing, from our standpoint, that the people shall settle this question. The synod of the United Presbyterian Church, the synod of the Presbyterian Church, the conference of the United Brethren, and of the Methodist Episcopal Church, and the synod of the Lutheran Church, and, in fact, I think every State religious body that has met in the last six months has passed resolutions unanimously asking the submission of constitutional prohibition, a referendum of the question back to the States. This statement does not apply to the ministers alone, but in the case of the Methodist Episcopal Church, it applies to their lay associations, and in the case of the other bodies the laymen stood with the ministers in favor of the submission of the prohibition question to the people. The fear in our State for the submission of the prohibition question to the people, is not a fear from the temperance standpoint, but it is a fear on the other side of the question.

Mr. VOLSTEAD. Have you not local option in Pennsylvania?

Dr. MOORE. No, sir.

Mr. HOBSON. I desire now to introduce Mrs. Ella A. Boole, president of the New York W. C. T. U.

**STATEMENT OF MRS. ELLA A. BOOLE, BROOKLYN, N. Y.,  
PRESIDENT OF THE NEW YORK WOMAN'S CHRISTIAN  
TEMPERANCE UNION.**

Mrs. BOOLE. Mr. Chairman, and members of the committee, it was my privilege in December to appear before this committee, and present some of the reasons in favor of national constitutional prohibition. We have been at work since then, and I am very glad to say that I represent not only the Woman's Christian Temperance Union of New York State, which has a membership of 35,000, but I also represent the leading forces for civic and moral betterment, a federation of not less than 12 religious, temperance, and philanthropic associations in our State that have endorsed the proposition for national constitutional prohibition. I hold in my hand a list of some cases of closely typewritten matter relating to various religious bodies, public meetings, and organizations that have endorsed the resolution of the National Woman's Christian Temperance Union asking for the submission of this amendment. New York State is considered hard territory for temperance people.

The CHAIRMAN. May I ask was not that list printed when we gave Capt. Hobson a hearing a few months ago on this question?

Mrs. BOOLE. No, sir; it was not printed, and I do not ask you to print it now. We will save you the trouble of doing that. I will simply leave it here for the information of the committee. I have here a list of more than 400 public meetings representing every religious denomination in the State of New York, and representing many public bodies besides, everyone of which has indorsed the resolution for the submission of the question of constitutional prohibition. I want to present this matter to you, because the liquor power is very strongly entrenched in New York State. I presume there is more beer manufactured in New York State than in any other State in the Union. I presume that we have as much whisky manufactured in the State of New York as in any State in the Union. I presume that there is more money invested in the liquor traffic in New York than in any other State of the Union. If I were to reply to the question which was asked the president of the Massachusetts W. C. T. U. a few minutes ago, I would say that New York has contributed more to the increase in the consumption of liquor during recent years than any other State in the Union. We are a high-license State, probably having one of the best high-license laws in the country, and yet, under that high-license law, with the thousands of dollars that come in as revenue, the liquor traffic has continually increased in power and has continually increased in strength, and the consumption of liquor has also increased. I appear before you to-day on behalf of not only the Woman's Christian Temperance Union, but the allied forces representing more than 200,000 people, and also great numbers of women who belong to the church and men who belong to the church, and who are asking for redress from the evils of the liquor traffic. We want you to know that in our own State of New York, notwithstanding all the power of the liquor interests, there are men and women who believe that the liquor traffic ought to be outlawed, and that through an amendment to the National Constitution.

Mr. HOBSON. I desire now to introduce Mr. H. T. Laughbaum, superintendent of the Oklahoma Antisaloon League.

**STATEMENT OF MR. H. T. LAUGHBAUM, SUPERINTENDENT  
OF THE OKLAHOMA ANTISALOON LEAGUE.**

Mr. LAUGHBAUM. Mr. Chairman and gentlemen of the committee, I represent a prohibition State. I presume that the first question in your mind is this: Does prohibition prohibit? My answer to that question is yes and no. The Congress of the United States passed the 21-year clause in the enabling act for the Indian country prohibiting the manufacture, sale, advertisement for sale, and soliciting the purchase of intoxicating liquors in the Indian country for 21 years. Oklahoma adopted that clause for the whole State. We have 500 editors publishing newspapers within the boundaries of that State, and these 500 editors obey the law, but the organized liquor traffic of this Nation does not obey the law. They flood the Indian country as well as the rest of the State with price lists and with letters soliciting the purchase of intoxicating liquors. I wrote to the honorable Postmaster General of the United States and asked him if he could

not issue an order prohibiting the sending of such price lists and letters soliciting the purchase of intoxicating liquors into the Indian country, when the Congress of the United States had said we must adopt this 21-year prohibition clause before coming into the Union. He answered me by saying that he could not until the Congress of the United States acted on the matter and gave him the authority. Recently the Oklahoma City postmaster said that over 50 mail sacks came into the Oklahoma City post office alone containing letters soliciting the purchase of intoxicating liquors. I am the superintendent of the temperance department of the State Sunday School Association, and on the 9th day of last November 5,980 Sunday-school scholars in Oklahoma signed the total abstinence pledge. We have in Oklahoma a law prohibiting the sale of intoxicating liquor, and making it a felony to sell it to minors. Yet the liquor distilleries of Kentucky and other States are sending their price lists and advertisements into Oklahoma which fall into the hands of our little children, saying to them, as well as to the other citizens of the State, "If you will fill out this card, giving your name and address, and will mail it to us, we will send you by express, free of charge, 1 quart of intoxicating liquor, and if you like the brand, send so many dollars and we will send you 4 quarts of the same brand."

Mr. CARLIN. Do you contend that liquor is now consumed in Oklahoma?

Mr. LAUGHBAUM. Certainly it is.

Mr. CARLIN. Then this great increase in consumption is not confined alone to the cities?

Mr. LAUGHBAUM. There is no increase in Oklahoma and Kansas. The increase comes here in the wet States.

Mr. CARLIN. How do you know that the increase comes there?

Mr. LAUGHBAUM. We know it because in Oklahoma we have a law that requires every railroad coming into the State to keep a separate intoxicating liquor book at the freight office or express office, or wherever it is shipped in, wherein must be entered immediately upon arrival an entry covering such intoxicating liquor, showing the man to whom it was delivered, the person by whom it was shipped, and the person by whom it was delivered, and that entry is open to the inspection of any officer from governor down to dogcatcher.

Mr. CARLIN. Did you keep that book when there was license in the State?

Mr. LAUGHBAUM. No, sir.

Mr. CARLIN. Then, how do you make your comparison?

Mr. LAUGHBAUM. When we had 600 saloons and 2 breweries right in Oklahoma City we could make comparisons very readily, because in Oklahoma City they could not get over a gallon at any one time.

Mr. CARLIN. How can you make any comparison with present conditions, as to consumption, with former conditions unless you had the same data?

Mr. LAUGHBAUM. We could tell the amount withdrawn for consumption from the Internal-Revenue Department, at which place they paid the liquor dealers' tax.

Mr. CARLIN. Now, you do not know that; you can not tell that.

Mr. LAUGHBAUM. I certainly can.

Mr. CARLIN. How can you tell how much was sold?

Mr. LAUGHBAUM. The information could be gotten from the Internal Revenue Department; every shipment of intoxicating liquor is checked up by the Internal Revenue Department. If it is withdrawn in other States and shipped into Oklahoma we know what comes there. The Internal Revenue Department keeps tab on every gallon of liquor that is withdrawn.

Mr. CARLIN. They do not keep tab on liquor as to where it is shipped after the tax is paid on it; there is no such record as that kept.

Mr. LAUGHBAUM. There is no such record as that?

Mr. CARLIN. The Government keeps tab on the liquor at the time it is released for shipment, but it does not keep tab as to where the liquor is shipped.

Mr. LAUGHBAUM. Are you sure of that, Mr. Carlin? Is there not a record kept of every shipment of intoxicating liquors, which record is open to the inspection of any United States officer?

Mr. CARLIN. No. The fact is this: The distiller releases 50 barrels of liquor to the wholesale dealer and the wholesale dealer ships it all over the United States, and no record is kept of that except as to the total amount sold.

Mr. LAUGHBAUM. I can take you into a town in Oklahoma and show you that a carload of liquor does not come into that town, shipped under the interstate-commerce law, in 30 days, whereas heretofore that town contained 12 saloons, with two men in each, standing behind the bar dealing out liquor. That enables me to say that there is not an increased consumption of intoxicating liquors in the State of Oklahoma, and you will agree with me that there can not be the consumption there was under previous conditions.

Mr. CARLIN. What I am trying to get is how accurate your connection is, comparatively speaking, between the distribution of liquor under the license system in the States and the distribution of liquor under the system of prohibition.

Mr. LAUGHBAUM. I can tell you that it has had a good effect in the State of Oklahoma; there has been a reduction there. Whereas before the Webb bill was passed there used to be 30 carloads of beer a month go into the State, now they can not get a carload of beer in Oklahoma City under the Webb bill. They have to slip it in in surreptitious ways. They build tanks in their automobiles in which to carry the beer. There is a club over in Muscogee in which one of the members received word one day from Fort Smith, Ark., that one of the members of the club had died, and this member who sent word said he was coming back with the corpse. He came into the Indian country and the members of the club went down to meet him with the body of their old-time friend. They took a casket off the train, and the mourners went up to the club room, and they found a coffin there; but when they opened the coffin, instead of finding in it the body of their friend they found in it a lot of bottles of beer. The only way to stop that is by the adoption of such an amendment as is proposed here.

Mr. CARLIN. What became of the mourners? [Laughter.]

Mr. FLOYD. I would like to ask you one question. You were asked by Mr. Carlin how it was under the license system. As I understand it, you had prohibition under Federal laws while you were a Territory out there?

Mr. LAUGHBAUM. In Indian Territory they have never had a license system.

Mr. FLOYD. In Indian Territory they have never had a license system?

Mr. LAUGHBAUM. Never.

Mr. FLOYD. And since the adoption of your constitution, you have had prohibition throughout the State?

Mr. LAUGHBAUM. Yes, sir; and the Indian Territory is filled up with your special Indian officers in enforcing the law. They get it sent in from the outside.

The CHAIRMAN. So with Federal prohibition and State prohibition you have not been able to keep Oklahoma dry?

Mr. LAUGHBAUM. On account of the organized liquor traffic outside of the State of Oklahoma.

Mr. CARLIN. If there was not a demand for liquor on the inside the fellows on the outside would be in a bad way?

Mr. LAUGHBAUM. They might be.

Mr. HOBSON. I now desire to introduce to the committee Miss Helen Hood, State president of the Woman's Christian Temperance Union of the State of Illinois.

The CHAIRMAN. We will be very glad to hear from Miss Hood.

**STATEMENT OF MISS HELEN HOOD, PRESIDENT OF THE  
WOMAN'S CHRISTIAN TEMPERANCE UNION OF THE STATE  
OF ILLINOIS.**

Miss HOOD. Mr. Chairman and gentlemen of the Committee on the Judiciary, I represent 13,000 white ribboners of the State of Illinois, and over 100,000 men and women who have sent petitions in favor of this amendment.

There is no State in our country where the issue is so clear and so strongly drawn between the moral forces of the community and the liquor interests as you find in the State of Illinois. With the city of Peoria having the largest distilling tax of any city in the country, with Chicago the most cosmopolitan city in our country, we have a very important situation there.

On last Tuesday, a week ago to-day, we put 23 new dry counties to our State, largely by the vote of the women, who for the first time had the opportunity of having a direct vote upon that issue. In 21 years there has been an increase of population in our State of 150 per cent, but the appropriations during that time by the legislature of the State to take care of the products of the saloons have been ten times more. In fact, 75 per cent—as the figures come to us from our official records at Springfield—75 per cent of all the appropriations of our legislature have been for the care of the men and women in the penitentiaries and the children who are dependent upon them.

I want to say that we have now 119 new cities and villages in our State that are dry, and I am glad that one of the members of this committee—Mr. FitzHenry—lives in a dry city, the city of Bloomington, and that was carried by the women's vote. I want to say that out of the 264,000 women who voted last Tuesday, a conservative estimate is that at least 73 per cent voted against the saloon. I want to say, friends, that we hope you will give this matter very

careful consideration, and we urge you to give it the most careful consideration. We feel sure that you will do that.

Years ago Miss Frances Willard started this movement. Men and women have grown up since then. They are protecting the faith, and I believe that you will bear in mind that one of the greatest States in our country must be protected.

Mr. HOBSON. Mr. Chairman, I now take pleasure in introducing Mr. A. J. Davis, superintendent of the Antisaloon League of the State of Massachusetts.

#### **STATEMENT OF MR. A. J. DAVIS, SUPERINTENDENT OF THE ANTISALOON LEAGUE OF MASSACHUSETTS.**

The CHAIRMAN. We will be very glad to hear from Mr. Davis at this time.

Mr. DAVIS. Mr. Chairman and gentlemen of the committee, I want to say just one word regarding the prevailing sentiment in the State of Massachusetts.

Some two or three years ago our legislature passed a workingmen's compensation act, and the operation of that act has forced upon our employers, as well as our employees, certain economic aspects of the labor question, and it has been found that a very heavy financial burden was placed upon the employers of labor because of the inefficiency of the workingmen resulting from drink, and on account of the number of industrial accidents, directly and indirectly traceable to what would be termed, not drunkenness, but the moderate use of drink.

I think I can safely say that more and more our manufacturers, and Massachusetts is largely a manufacturing State, are having forced upon them the need of a more effective method of dealing with the liquor traffic than merely dealing with it by allowing it to be a high-licensed local-option system.

Mr. HOBSON. Mr. Chairman, I now desire to introduce to the committee Mr. W. C. Shupp, superintendent of the Antisaloon League of the State of Missouri.

The CHAIRMAN. We will be very glad to hear from Mr. Shupp at this time.

#### **STATEMENT OF MR. W. C. SHUPP, SUPERINTENDENT OF THE ANTISALOON LEAGUE OF THE STATE OF MISSOURI.**

Mr. SHUPP. Mr. Chairman, my argument is that little map which has been passed to you, that little map of the State of Missouri, showing in detail the dry counties and the wet counties. You will find the wet counties marked in black and the dry counties marked in white. I just want to say two or three words in regard to that, and then I will be through.

The map of Missouri is looking pretty white at this time. Since the general election on this question which we had in the State of Missouri, we have added to the population living in dry territory 231,221 people. That gives us a population of 45 per cent in the dry territory of the State. There is now a law, passed by the last legislature, on which we will vote in September. That is what is known as the full country unit law. It was conceded by those who opposed that law in the legislature that that would drive the liquor traffic



into the last six or seven counties in the State. We feel sure that at least 50 per cent of the population in the State of Missouri demands prohibition. However, we have in the State the big city of St. Louis, which is pretty largely, so far, a law unto itself, and my friend Mr. Dyer will agree, I think.

The State branch itself will not suffer from the operation of the liquor traffic in the city, and I have no less an authority than Mr. Patrick, the secretary of the Retail Liquor Dealers' Association in the city, that the brewers of the city would not protect the saloon keepers if they were running a crooked place. He said they are supplying the liquor to the clubs, and he said that kind of liquor traffic must cease in that city. As to what process he would use, he did not say; he did not go into details. That is our argument for national prohibition of the liquor traffic.

Mr. DYER. You will state, I take it, that the license of saloons in the city is under the power of the State; that the excise commission for the city is appointed by the governor of the State. That is a fact, is it not?

Mr. SHUPP. Yes.

Mr. DYER. And that the police board of the city of St. Louis is also appointed by the governor of the State?

Mr. SHUPP. Yes.

Mr. DYER. So that all the State officials having to do with the city of St. Louis are appointed by the governor?

Mr. SHUPP. I think Mr. Dyer is thoroughly familiar with the situation. The question has been before the courts of the State, and by an adverse decision it is impossible for a policeman to go into those clubs.

Mr. DYER. That is under a decision of the State Supreme Court of Missouri.

Mr. SHUPP. There are 77 totally dry counties in the State and 13 partly dry, and St. Louis is in the remainder.

Mr. HOBSON. I now take pleasure in introducing to the committee Mrs. S. A. Holman, president of the Woman's Christian Temperance Union of Tennessee; Mrs. Frances E. Beauchamp, president of the Woman's Christian Temperance Union of Kentucky; and Miss Lena Messick, president of the Woman's Christian Temperance Union of the State of Delaware; and with those we complete the list of the representatives of the Woman's Christian Temperance Union.

The CHAIRMAN. We will be very glad to hear these ladies at this time.

**STATEMENT OF MRS. SILENA M. HOLMAN, FAYETTEVILLE, TENN., PRESIDENT OF THE WOMAN'S CHRISTIAN TEMPERANCE UNION OF THE STATE OF TENNESSEE.**

Mrs. HOLMAN. Mr. Chairman, I do not think it is necessary to say a great deal at this time, and I am not going to occupy very much of your time. I want to say that I represent the Woman's Christian Temperance Union of Tennessee.

Probably never in the history of our Nation has any cause moved forward with such rapid strides as has the movement for the destruction of the liquor traffic within the past decade.

A very few years ago the right to sell liquor to any or all who might want to buy was unquestioned in almost the entire territory of the United States. To-day the traffic is outlawed in nine entire States and in large sections of many other States, until more than two-thirds of our territory, and more than half of our population are now under prohibitory law. In half a dozen other States a fight is on to secure State-wide prohibition in this year of our Lord, 1914. And a number of other States are planning for the struggle to get rid of the liquor traffic in the not distant future. Within the past few months, hundreds of thousands of people have petitioned Congress to pass a resolution looking to national constitutional prohibition of the liquor traffic. And one who gets and reads the Congressional Record from day to day, and sees there appeals from thousands of petitioners for national prohibition, and those of other thousands who are protesting against it, will soon find that this is the liveliest question to-day before the American people.

In a recent magazine, whose policy has been one of opposition to the prohibition propaganda, the writer says:

The antialcohol movement is growing because it is proving its case in the court of popular judgment. It is the result of a sentiment both scientific and democratic.

The liquor traffic is many times more inimical to the happiness and prosperity of our Nation now than it was half a century ago. Then it was sold in every dry goods store in all our land, along with the sugar and coffee, cloth, and thread. But in those days there was no more effort to sell whisky, wine, or beer, than there was to sell coffee or calico. Men bought it if they chose, or let it alone in the same way. It was no more a factor in the politics of the Nation than is coffee or dry goods to-day.

To-day things are changed. The liquor traffic is many times more a menace to the happiness of our people and the welfare of our country than it was 50 years ago. It has been commercialized. Millions of dollars are invested in the business, and other millions are raised from year to year to exploit the sale, extend their business, and prevent any legislation intended to restrict or regulate the traffic. This money is spent to debauch the Nation into giving permission to carry on their iniquitous business. It is spent unstintedly in efforts to carry elections, so that only men favorable to their business shall be elected to the offices of the Nation, and no laws be passed inimical to their interest. When elections are ordered to decide as to whether the liquor traffic shall be licensed or prohibited, they spend many thousands of dollars in bribing the weak, the ignorant, the vicious, to vote against prohibition. They spend other thousands in advertising and promoting their business, and they do everything in their power to prevent the enforcement of the laws that people may be brought to believe that the laws can not be enforced, and therefore should be repealed. They maintain a press bureau at a cost of hundreds of thousands of dollars, which supplies plates of ready-to-print matter, filled with false arguments, mendacious statements. But to-day, except in a very few States, the liquor men are pleading for local option as against State prohibition.

This Nation is not a nation of isolated States, towns, cities, villages, or communities. But a close relation exists between them all. If those who want local option for States or communities were living

in a walled town, where no one was concerned but themselves, and no principle of humanity were involved, and where the drink affected no one but themselves they might talk local option for States or the smaller communities. But these sections of the country are interdependent. If liquor is sold in one place, it will be sent out from these to other places, whether the law forbids it or not. For this traffic has absolutely no respect for law of any kind. And that is why we begged so hard for the passage of the Webb-Kenyon law. And that is why we are pleading for national prohibition. We want to be able to protect our people from the ravages of the liquor traffic.

We have heard of some people who thought it unfair to force prohibition by constitutional amendment on unwilling States. But our forefathers provided for this very thing when they put a clause in their Constitution providing that the policy of our Nation might be changed at any time, by the adding of an amendment to our Constitution which when adopted by three-fourths of our States would become the law for them all. This cause is constantly gaining ground, as even the liquor men are compelled to reluctantly admit. And by the time this amendment is ratified by three-fourths of the States, there will be left in the remaining States, however, liquor ridden they may seem to be, a very large and respectable minority of people, who want the amendment to carry as earnestly as any State ratifying the amendment. It would be putting it into States, where a large majority of the very best people want that very thing.

I live in a prohibition State, and am closely connected with the temperance people of our State, and almost invariably—I have known no exceptions—the people who are in favor of State prohibition—and there are, besides, thousands of people in every State who have hitherto opposed State prohibition because, they said, of the impossibility of effectually enforcing it in one section when its sale was permitted in another section—now stand with us for national prohibition.

We do not believe in a double standard of morals. We believe that what is wrong in one section, or for one person to do, can by no possible juggling of words or morals, become right and proper for another section or person or community to do. If it is wrong to sell liquor in Tennessee, it is wrong to sell it in New York.

I come to you representing the organized motherhood of Tennessee, 10,000 of the very best women in our State. Many thousands of other good women are with us in heart, and three times, in three general elections, have the manhood of Tennessee declared their faith in the policy of prohibition, and without exception, so far as I know, every man of them will stand as solidly for national prohibition as they are now standing for State prohibition. We know it is wrong to debauch the boys and girls; the manhood and the womanhood of the Nation. Vice should be prohibited and not licensed, regulated, and, worst of all, protected by law. We want and need the help of the National Government in this. The advancing tide of civilization demands the destruction of the liquor traffic. And so we most humbly petition your honorable body to recommend this resolution favorably.

Mr. HOBSON. Mrs. Beauchamp will now address the committee.

The CHAIRMAN. We will be very glad to hear from Mrs. Beauchamp at this time.

**STATEMENT OF MRS. FRANCES E. BEAUCHAMP, LEXINGTON, KY., PRESIDENT OF THE WOMAN'S CHRISTIAN TEMPERANCE UNION OF KENTUCKY.**

Mrs. BEAUCHAMP. Mr. Chairman, I come from Kentucky, much abused Kentucky. Ninety-five per cent of the territory of that State is under local prohibition by more than 80,000, and we have in the various local option elections registered the solemn will of the voters that the liquor dealers of that State ought not to have licenses. We recognize that this traffic has now thrown around it the strong arm of the Government, and we now ask you to take off that strong arm of the Government and give the people of Kentucky a right under the General Government to protect their children and to take away from us the debauching influence of the liquor traffic on the voters. I ask it for the sake of the boys growing up in our State, that they may not be debauched and rendered unfit to exercise the franchise because of the debauching influence of the liquor traffic. I ask it for the young men who aspire to office, and who find that the only way they can get into office is by bowing down to the liquor traffic. Recently we have had 15 young fellows in our legislature and more than half of them have been retained as general counsel by some distillery of the State between the time of their nomination and the time of their election.

Mr. DYER. Do I understand you to say that the politics of Kentucky are controlled by the liquor interests, and that the people of Kentucky can not express their will because of that control?

Mrs. BEAUCHAMP. I would say that the voters of the State of Kentucky have been debauched to such an extent that their votes are purchasable, and the purchasable vote is controlled by the liquor traffic.

The CHAIRMAN. You would not apply those remarks to Kentucky alone, would you?

Mrs. BEAUCHAMP. I am only giving Kentucky as an example of what exists in all of your States.

The CHAIRMAN. I have served here a good many years with many Members of Congress from Kentucky, and, as a rule, I want to say that I have found the Members of Congress who come from Kentucky are total abstainers.

Mrs. BEAUCHAMP. We would not have 80,000 majority for prohibition if there was not a sentiment for it in that State.

Mr. DYER. Why do not the people of Kentucky prohibit the sale?

Mrs. BEAUCHAMP. There is not any question but what the legislature of the State would have permitted such an amendment if there had not been some trading done in the State senate.

Mr. HOBSON. Mr. Chairman, Mrs. Messick will now address the committee.

The CHAIRMAN. We will be glad to hear from Mrs. Messick at this time.

**STATEMENT OF MRS. LENA MESSICK, BRIDGEVILLE, DEL.,  
PRESIDENT OF THE WOMAN'S CHRISTIAN TEMPERANCE  
UNION OF DELAWARE.**

Mrs. MESSICK. Mr. Chairman, I come from the little State of Delaware, of which I am exceedingly proud. Two-thirds of our people are in dry territory and we were one of the first States to enact a new State law on this subject, and still we realize that we need your help in getting the State entirely dry.

I beseech you in behalf of the 2,000 women which I represent in our organization and also in the behalf of the members of the Patrons of Husbandry, which, with my husband, I have had the honor of representing for 14 years, and in behalf of other organizations in our State to favorably report this amendment to the House of Representatives, so that it may be presented to the people of the country and they be given a chance to vote upon it. We are anxious that you should help us rid our State of this evil and we ask you to help us in this way.

Mr. WEBB. Is the Hazel law working well in Delaware?

Mrs. MESSICK. It has worked well since Maryland has helped us.

Mr. HOBSON. Mr. Chairman, I now desire to introduce three representatives of the antisaloon of three different States, and then after that there will be two gentlemen representing independent organizations, and I think that will complete our list of speakers.

I first wish to present to the committee Mr. R. L. Davis, superintendent of the Antisaloon League of North Carolina.

The CHAIRMAN. We will be very glad to hear from Mr. Davis at this time.

**STATEMENT OF REV. R. L. DAVIS, SUPERINTENDENT OF  
THE ANTISALOON LEAGUE OF NORTH CAROLINA.**

Mr. DAVIS. Mr. Chairman and gentlemen of the committee, I want to say that about 90 per cent of the men and 95 per cent of the women in North Carolina want a favorable report from this committee on this resolution. Officers and citizens want it; white and black want it; wets and dries want it. You ask me why do the wets want it? They are satisfied that they can not get the old saloon back; they are satisfied that they can not get the dispensary back, and they want to stop the shipping of liquor that comes sometimes labeled sugar and some of it labeled meat and sometimes labeled something else. The sentiment is overwhelming in North Carolina for the passage of this resolution.

Mr. HOBSON. Mr. Chairman, I now desire to present to the committee Rev. T. N. Hare, superintendent of the Antisaloon League of the State of Maryland.

The CHAIRMAN. We will be very glad to hear from Mr. Hare now.

**STATEMENT OF REV. T. N. HARE, SUPERINTENDENT OF  
THE ANTISALOON LEAGUE OF MARYLAND.**

Mr. HARE. Mr. Chairman and gentlemen of the committee, I think if Maryland ever gets a chance to vote on this resolution for a constitutional amendment for prohibition, it will be one of the 36

States which will ratify the amendment for national prohibition. The temperance cause is making very nice progress in the State of Maryland. In reference to the question of consumption I want to read this sentence from the National Liquor Dealers' Journal:

The Kentucky liquor market seems to be almost entirely at a standstill. Some of the largest distillers tell us that there is scarcely any demand at all.

Mr. HOBSON. Mr. Chairman, the next gentleman who will address the committee is Mr. H. H. Spooner, the superintendent of the Connecticut Temperance Union.

The CHAIRMAN. We will be glad to hear Mr. Spooner at this time.

#### **STATEMENT OF MR. H. H. SPOONER, SUPERINTENDENT OF THE CONNECTICUT TEMPERANCE UNION.**

Mr. SPOONER. Mr. Chairman, for the State of Connecticut I want to say that our business men are awake in regard to this question.

Connecticut, like Massachusetts, is quite a large manufacturing State, and the question of the employer's liability has come in, and it has been my privilege to meet quite a number of men of that State for the purpose of discussing this proposition. I find them in favor of the big proposition. We vote by towns, and that makes it too small. If we voted by the State, we would still be surrounded by States that have the liquor traffic. What we want is the big proposition. The business men want it and the farmers want it. The Grange unanimously declared in favor of it, and every organization which has had a meeting there during the past six months has declared, without opposition, in favor of this proposition, and we hope you will report it favorably to the House.

Mr. HOBSON. Mr. Chairman, there are only two more gentlemen whom we desire to address the committee, Mr. H. M. Pringle, of Maine, representing the International Reform Bureau, and Rev. S. E. Nicholson, chairman of the board of temperance of the committee on temperance of the Society of Friends.

The CHAIRMAN. We will be glad to hear those gentlemen now.

#### **STATEMENT OF MR. H. M. PRINGLE, OF MAINE, REPRESENTING THE INTERNATIONAL REFORM BUREAU.**

Mr. PRINGLE. Mr. Chairman, I represent the International Reform Bureau. I am now a resident of Washington, but for 17 years prior to last year I was a resident of the State of Maine, a State which for 55 years continuously has maintained the policy of prohibition. In my capacity as a complainant or prosecutor or magistrate, I have in that State in 12 years about 1,500 prosecutions to which I was a party, a majority of them being against liquor dealers, and in all those cases which came under my observation, in not one, so far as I am aware, was the liquor manufactured or produced in Maine. It all came from contiguous or neighboring States into the State of Maine, contrary to a law that forbade its entrance, which was declared unconstitutional because it interferes with the protection of interstate commerce. I have in my hand a series of memoranda representing about 300 persons, giving the dates, names, places, and brief particulars in regard to persons who went down to their death by stabbing,

shooting, by freezing, or drowning, or who lost their lives in conflagrations, and so forth, directly in consequence of the use of intoxicating liquors, largely, if not all, sold in our State because of the inability of our authorities to exercise police power taken from them because of an inadequate protection on account of the United States laws; and our organizations are for this amendment, which has been proposed because we believe that this, more than any other piece of legislation ever proposed, will help the States to secure what is rightful and just, and which will break the enormous relationship at present existing between the United States Government and the liquor traffic, the United States being a silent partner to the extent of \$250,000,000 every year in connection with the greatest criminal business in the United States.

Mr. HOBSON. The next speaker is Rev. S. E. Nicholson, who represents the Society of Friends.

The CHAIRMAN. We will be glad to hear Mr. Nicholson.

**STATEMENT OF REV. S. E. NICHOLSON, CHAIRMAN OF THE BOARD OF TEMPERANCE OF THE SOCIETY OF FRIENDS.**

Mr. NICHOLSON. Mr. Chairman, I simply want to say this. I will only say a word as chairman of our temperance board of the Society of Friends in America representing substantially 100,000 people. I think I can say that I represent the unanimous sentiment of those people, and that possibly the sentiment among them is more unanimous, at least, than almost any other denomination in this country. We are in favor of this resolution.

Just one additional word. We had a local option election in Richmond, Ind., in March, and we had there this strange spectacle: A number of business men said, "We are not so much interested in voting Richmond dry and in voting these other towns dry, but if you will go to Washington and support the resolution for the constitutional amendment, we will be with you."

Mr. HOBSON. That completes our list of speakers, Mr. Chairman, and I desire on behalf of all the organizations which have been represented here to-day, to express our very deep appreciation for the uniform courtesy and great patience which this committee have shown this morning.

The CHAIRMAN. Prof. C. L. Longacre, of this city, desires to be heard in connection with this subject. He has submitted his remarks in writing, and they will be inserted at this point.

**STATEMENT OF MR. C. S. LONGACRE, EDITOR OF THE LIBERTY MAGAZINE, WASHINGTON, D. C.**

Mr. LONGACRE. Mr. Chairman, as national secretary of the Religious Liberty Association of North America, I wish to state that our entire constituency of more than 100,000 members of the Seventh-day Adventists denomination are in favor of this proposed amendment to the Federal Constitution.

We do not believe that we are inconsistent or out of harmony with the principles of civil and religious freedom in advocating national prohibition of the promiscuous sale of intoxicating beverages. It is not a question of "I like tea, but do not like wine or beer, so you must

drink only what I say;" it is a question, however, of evil consequences involved in the destruction of the happiness, life, and liberty of others who are made involuntary victims. When we consider the unspeakable sorrow, disgrace, debauchery, immorality, crime, poverty, and ruin which the liquor traffic brings yearly to innocent wives and children in the homes of the devotees at the altar of Bacchus, and to society at large, we believe that the Government has a constitutional right to adopt measures which will guarantee to each individual the enjoyment of his inalienable right to life, liberty, and the pursuit of happiness, all of which are molested by the promiscuous traffic of intoxicating beverages.

The liquor interests are raising the cry now that national prohibition would interfere with their personal liberty to engage in a business which yields splendid financial returns. The choice of a business, they claim, is a constitutional right, and that to forcibly take their business from them is interfering with personal liberty and constitutional rights.

The tippler also claims that the Government has no right to interfere with what he wants to eat, drink, or wear, or the way he chooses to live or die. They claim that the State can deal only with those who commit crime while under the influence of liquor.

At first thought such arguments seem very plausible from the viewpoint of the liquor men and the tipplers; but there is another constituency whose members are far from more numerous and whose interests and personal liberties are vitally affected and menaced because of the unbridled liberties of the liquor traffic. That party is the innocent public. If the liquor traffic affected none but the manufacturers, dealers, and consumers of intoxicating beverages, it would be altogether a different question; but it is admittedly a question which affects the welfare and interests of the general public to a greater extent than it does the liquor interests.

The Supreme Court of the United States, as well as many State supreme courts, have declared that the liquor traffic is responsible for a greater amount of crime and misery than all other crime-producing agencies put together. Imagine the unutterable consternation if we should receive the awful tidings that the entire Army and naval forces of the United States had been massacred. The whole Nation would mourn and float the Stars and Stripes at half-mast. And yet every year an army of men and women, four times the number which are in our national Army, go down to death and hopeless graves through the American saloon.

They leave behind 100,000 ruined homes, from whose portals are heard the stifled moans of blasted childhood and wretched widowhood, most of whom are forever barred from the avenues which lead to noble manhood and womanhood.

Statistics show also that more than 80 per cent of all murders committed are due either directly or indirectly to the liquor traffic. I ask, then, whose personal liberty is at stake? Does not the public have a right to life? It is too late to protect life after it has been taken. Preventive legislation is the only proper remedy. When the general public largely pays the taxes to support the courts while they prosecute the criminals, and the jails while they confine them, and the almshouses which are largely filled with the product and innocent victims of the saloons; whose personal liberties are being in-

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fringed upon when the liquor traffic is responsible for more than 65 per cent of the crimes which are committed?

The liquor interest appears to be very jealous of the preservation of personal liberty since an attempt has been made to outlaw its business. But it would be just as consistent for a despot upon a throne to pose as the champion of personal liberty because someone may be making an effort to curb his cruel despotic reign over his slaves. All the personal liberty which a despot is interested in is his own, and all the personal liberty which the liquor Apollyon is interested in is his own.

A true advocate of liberty is one who seeks to liberate the oppressed and not one who oppresses others to enrich himself. The answer of justice, humanity, and organized society is that it has a right to protect itself and its people from annihilation. It can not remain oblivious to the past history of other nations whose sinews of strength were weakened and corroded by the promiscuous indulgence and traffic of this besom of destruction, which, more than any other agency, was the cause of the demoralization and overthrow of the greatest nations in the past. When it resolves itself into the question of the annihilation of society and the government by the promiscuous manufacture and sale of intoxicating beverages, we believe that this destructive business ought to be annihilated, instead of the destruction of society and the Government.

It is often argued that this is a question which each State ought to settle for itself, and that the National Government has no right to legislate upon it, either in its favor or in its destruction. But the United States Government has already legislated upon this question in the territory under its immediate control with reference to the Indians and in the case of the Army and Navy. It has also legislated upon this question as to the amount of revenue which Uncle Sam is to derive from the traffic which is carried on in every State in the Union. The United States Government can not plead exemption from being a legal partner in sharing the financial benefits which accrue in carrying on the business in each and every State which has not made the business prohibitive.

If the United States Government had not already legislated upon the matter of the revenue, and had not claimed any share in that business, it might appropriately disclaim any responsibility in the legal phase of its regulation now; but the fact that the Government has already licensed the business, and has laid a claim to a part of its revenues, makes the National Government a copartner in the business and responsible for 65 per cent of the crime committed in this country due to the liquor traffic. All that we ask is that the United States Government shall dissolve the partnership.

The unrestrained alcohol demon is a fiercer and more heartless taskmaster than any slave driver who ever applied the scourge to the lacerated back of a slave. It not only grips its victims in its coil but crushes out all the noble instincts, all the hopes, all the aspirations, and all that is truly noble and grand in man. After an ordinary slave is set free, he has a chance to rise again, but the slave of the liquor traffic is well-nigh hopelessly ruined for time and eternity. Who says that the National Government has no legal right to set slaves free even after it has permitted the traffic and has indulged in it herself? Who says that this is only a question for the States to decide

for themselves? Our Government has already spoken in thunder tones of fire and blood upon this question. What this country needs is another emancipator to sit in the White House who will, with one stroke of his pen, free not 3,000,000 black slaves but 20,000,000 white slaves. Whoever that fortunate President or that fortunate Congress will be who will make this, the greatest of all achievements, possible will be honored by their posterity above an Abraham Lincoln or a George Washington. That act will become the crowning act of humanity for all time and all ages.

But if no emancipation act is ever to be passed to put an end to this hellish traffic; if king alcohol is to continue to reign supreme in partnership with the United States Government; if its work of crime making, of sorrow, of disgrace, of debauchery, of immorality, and of ruin is to devastate and blight the future prospects and possibilities of our fair Republic; if such a catastrophe is to happen and the wheels of progress and civilization are to be turned backward instead of forward, I say with Daniel Webster, "Let it have no history! Let the horrible narrative never be written; let its fate be like the lost books of Livy, which no human eye shall ever read, or the missing Pleiad, of which no man can ever know more than it is lost, and lost forever."

The CHAIRMAN. Mr. S. B. Horton has also submitted some remarks which will be inserted at this point.

#### **STATEMENT OF MR. SANFORD B. HORTON, SECRETARY OF THE COLUMBIA RELIGIOUS LIBERTY ASSOCIATION.**

MR. HORTON. Mr. Chairman and gentlemen of the committee and friends of the temperance cause, in the brief time allotted me I can do nothing more than touch it with the bare tips of my fingers, so to speak. The time was when much sport was made of resolutions looking to the elimination of the liquor traffic; when the subject was thought to belong only to sentimental ethics, and that its discussion was to be confined to the forum of long-haired men and short-haired women. But that day has passed into eternity and can nevermore be held up as a deterrent argument against the prohibition movement.

When the Secretary of the Navy of the United States considers the subject in its bearing upon the best interests of the Navy to such an extent as to issue the order which after July 1, if the President does not interfere, prohibits the use of alcohol as a beverage upon any vessel or in the confines of any naval station, etc., an order based largely upon the advice and counsel of the Surgeon General whose investigations caused him to so advise; when we witness the Commissioner of Indian Affairs issuing an appeal to all his employees to "save the American Indian from the curse of whisky"; when a great railroad system orders the discharge of drinking employees on or off duty on the ground of the company's responsibility to the traveling public; when a great manufacturing corporation serves notice upon its employees that promotions will come to only those who are total abstainers; and, more, when the telegraph and the newspaper tell us of the determination of foreign nations to rid themselves of the whisky curse as is evidenced in the case of Russia recently, the prohibition question assumes greater proportions and demands more candid investigation than is usually given to the subject.

I should have added the significant fact that the "handwriting on the wall" can be seen by a liquor dealers' journal sufficiently to induce its editor to say in a leading editorial, "The fact of failure to enforce is no argument against even the expediency, much less against the moral issue involved"; and that—

The case of the liquor traffic is called for adjudication by the American people and must be ready for trial. Other cases may be called later, but the one before the court can not be postponed. \* \* \* There are billions of property involved, \* \* \* but when the people decide that the truth is being told about the alcoholic liquor trade, the money value will not count, for conscience aroused puts the value of a man above all other things. We are told that even in Germany, where it is said that conservatism is the rule of the drinking class, the people are waking up to the fact that there is something wrong in the sentences taught in the older primer, which ran:

"Das bier ist ein gutes Getrank.

"Das bier und der Wein sind gute Getranke."

In the light of the present tendency toward ameliorating conditions and of protecting from disaster the people who are entitled to life, liberty, and the pursuit of happiness, it would seem that our national law makers would take up with the serious consideration to which the subject is entitled the measure we are addressing ourselves to at this time. So far as the desirability of national prohibition is concerned, I believe this committee coincides and assents. A prominent editor of a magazine which has a large circulation has put the desirability of national over State prohibition in the following words, which I beg leave to quote:

The advantages of national prohibition over State prohibition may be stated as follows: Importation from outside the borders of the country could be prevented as well as the transportation of liquor from one State to another. Placing the suppression of liquor traffic in Federal hands would, furthermore, eliminate local liquor selling, just as Federal taxation of liquor production has so effectively prevented the operation of illicit stills throughout the country. Federal prohibition, if effective, would take away the chief weapon and the chief opportunity for corruption from the local politician of undesirable tendencies. The question of national prohibition is one which we expect to see brought before the country with increasing insistence.

As to the legal warrant for national prohibition, I would not presume to instruct the committee, but I dare say that reference to a few of the many decisions from American courts, including the Supreme Court itself, will suffice to show that the American conscience de jure is asserting itself and will eventually have full sway before long. Permit me, therefore, to call your attention to the following opinions handed down by courts:

It is not necessary for the sake of justifying the State legislation now under consideration, to array the appalling statistics of misery, pauperism, and crime which have their origin in the use or abuse of ardent spirits. (U. S. Supreme Court, *Mugler v. Kansas*, 123 U. S., 623.)

No one possesses an alienable or constitutional right to keep a saloon for the sale of intoxicating liquors. (*The State v. Gerhardt*, 145 Ind., 439 at 462.)

If the public safety or the public morals require the discontinuance of any manufacture or traffic, the hand of the legislature can not be stayed from providing for its discontinuance by any incidental inconvenience which individuals or corporations may suffer. (*Beer Co. v. Mass.*, 97 U. S., 32.)

It is said that "what a man shall drink, equally with what he shall eat, is not properly a matter for legislation." There is in this position an assumption of a fact which does not exist that when liquors are taken in excess the injuries are confined to the party offending. The injury, it is true, first falls upon him in his health, which the habit undermines; in his morals, which it weakens, and in the self-abasement, which it creates. But as it leads to neglect of business and waste of property and general demoralization, it affects those who are immediately connected with and dependent upon him. (*Crowley v. Christensen*, 137 U. S., 86.)

It (the prohibitory law) seeks to promote the general welfare by prohibiting an excessive vice which is doing more to disqualify men for self-government than all other influences combined. (*Our House No. 2 v. The State*, 4 Freeman (Iowa), 172.)

That the right to sell liquors is not an inherent right of a citizen of the United States is beyond cavil. (*Adams v. Crozier*, 69 Pac. Rep., 594.)

We presume no one would have the hardihood to contend that the retail sale of intoxicating drink does not tend, in a large degree, to demoralize the community, to foster vice, produce crime and beggary, want and misery. (*Schwuchow v. City of Chicago*, 68 Ill., 44.)

The direct cost of the liquor traffic to the American people for a recent year, according to the report of the Commissioner of Internal Revenue, is estimated at \$1,833,653,425. Deducting from this the license fees and Federal taxes (\$335,000,000), the amount paid the farmer for the materials consumed (\$106,230,871), and the amount paid by the traffic for labor (\$55,000,000), the net undisputed cost is still \$1,357,422,544. Adding to this sum the indirect cost, we have for the total cost of the liquor traffic for the year the conservative sum of more than \$5,000,000,000, which, however, takes no account of the misery and sorrow brought into the world through this illegitimate business.

If during the panic of 1907, when "banks were crumbling, factories closing, and small industries failing, \$90,000,000 in gold imported from England and France could relieve these conditions, steady the situation, put new life into failing concerns, and start the return to prosperity, making the difference between panic and normal business conditions, is it not evident that an influx of \$5,000,000,000 into value-producing trade channels by the elimination of the liquor traffic would revolutionize the commercial world?" Would not prohibition largely solve this high cost of living proposition, a problem with which our statesmen are now grappling?

I trust this committee will find its way clear to recommend for passage the joint resolution to which I have briefly addressed myself, and thus give the proposition nation-wide trial.

(Thereupon the committee adjourned.)

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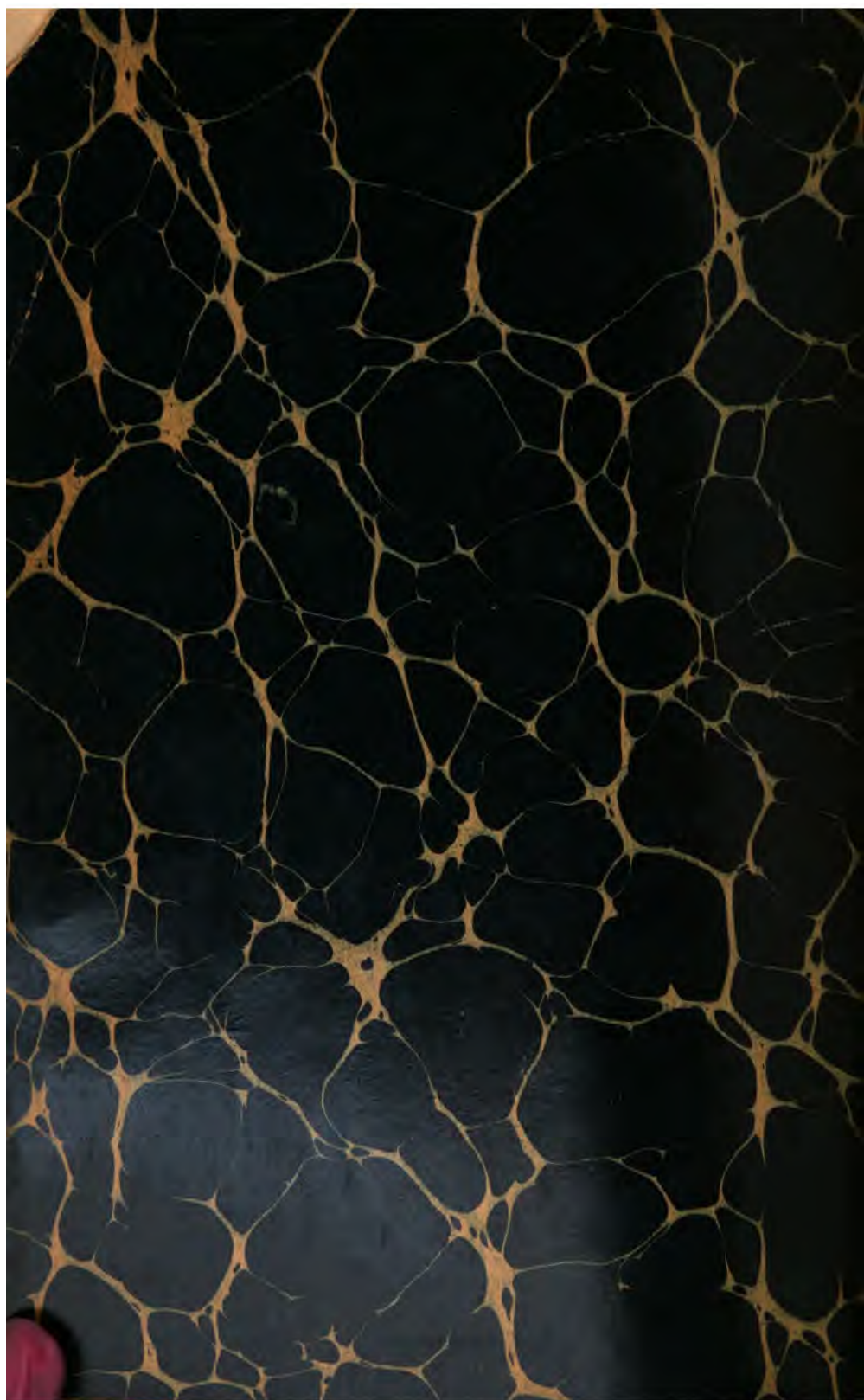


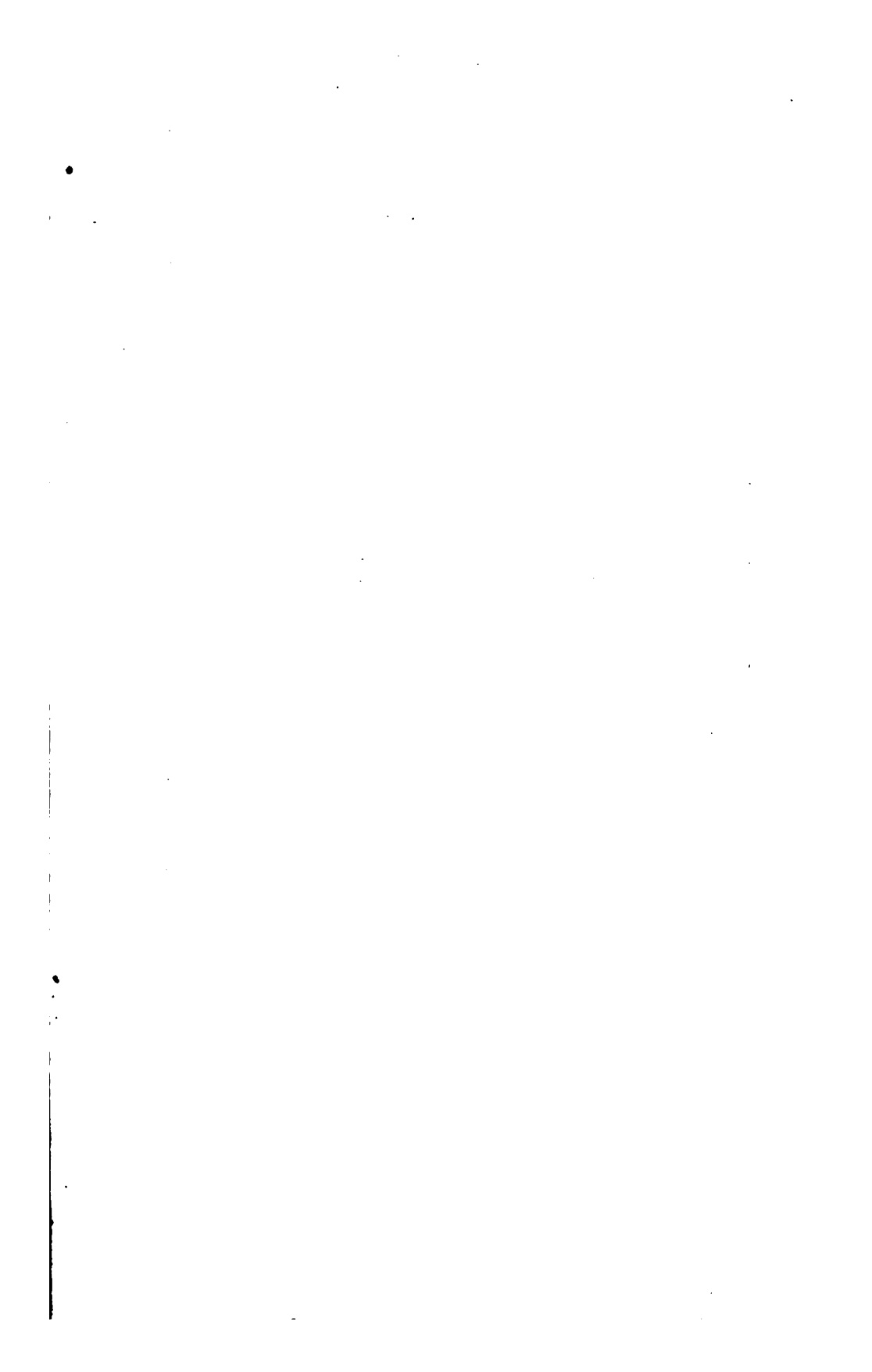






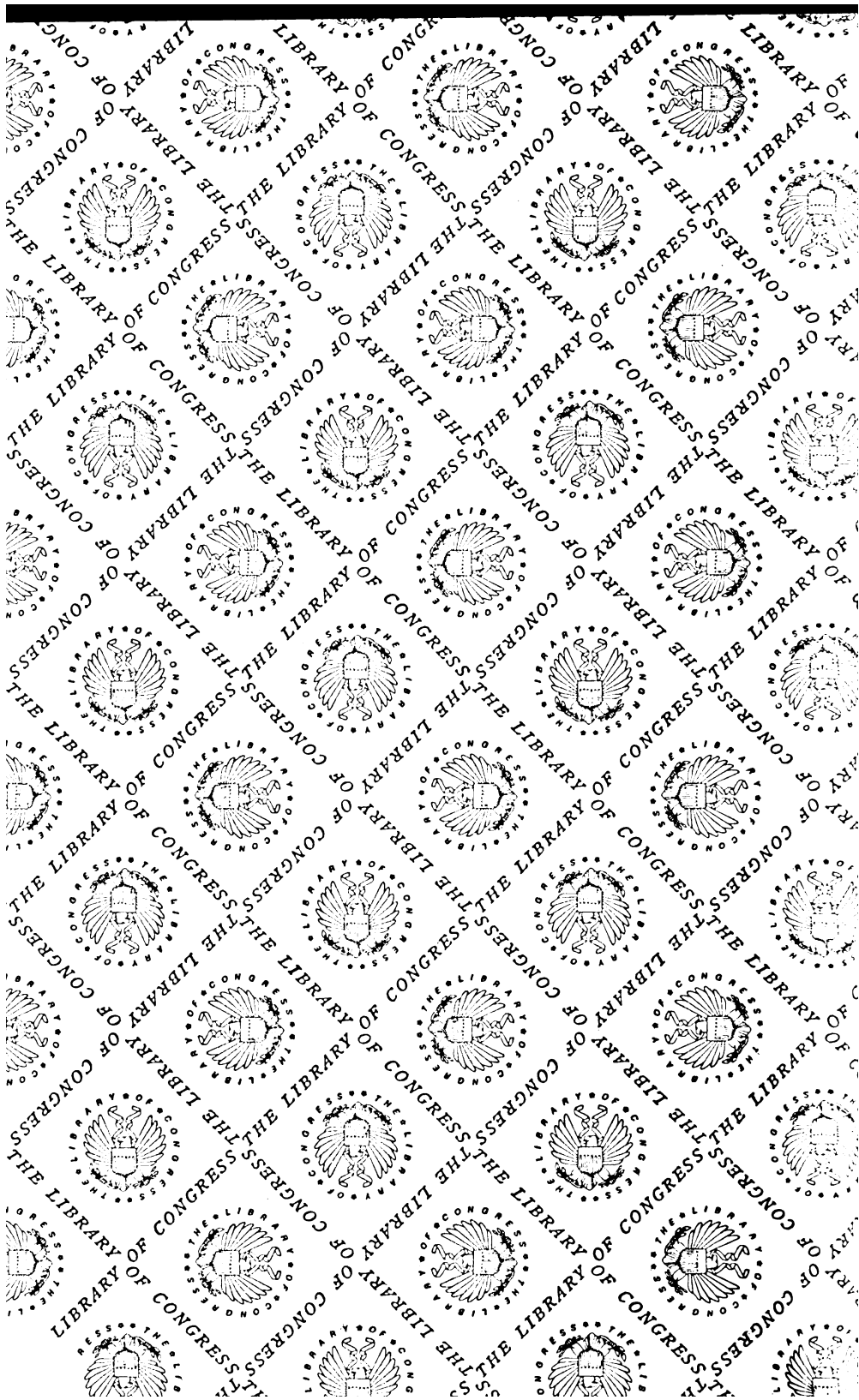
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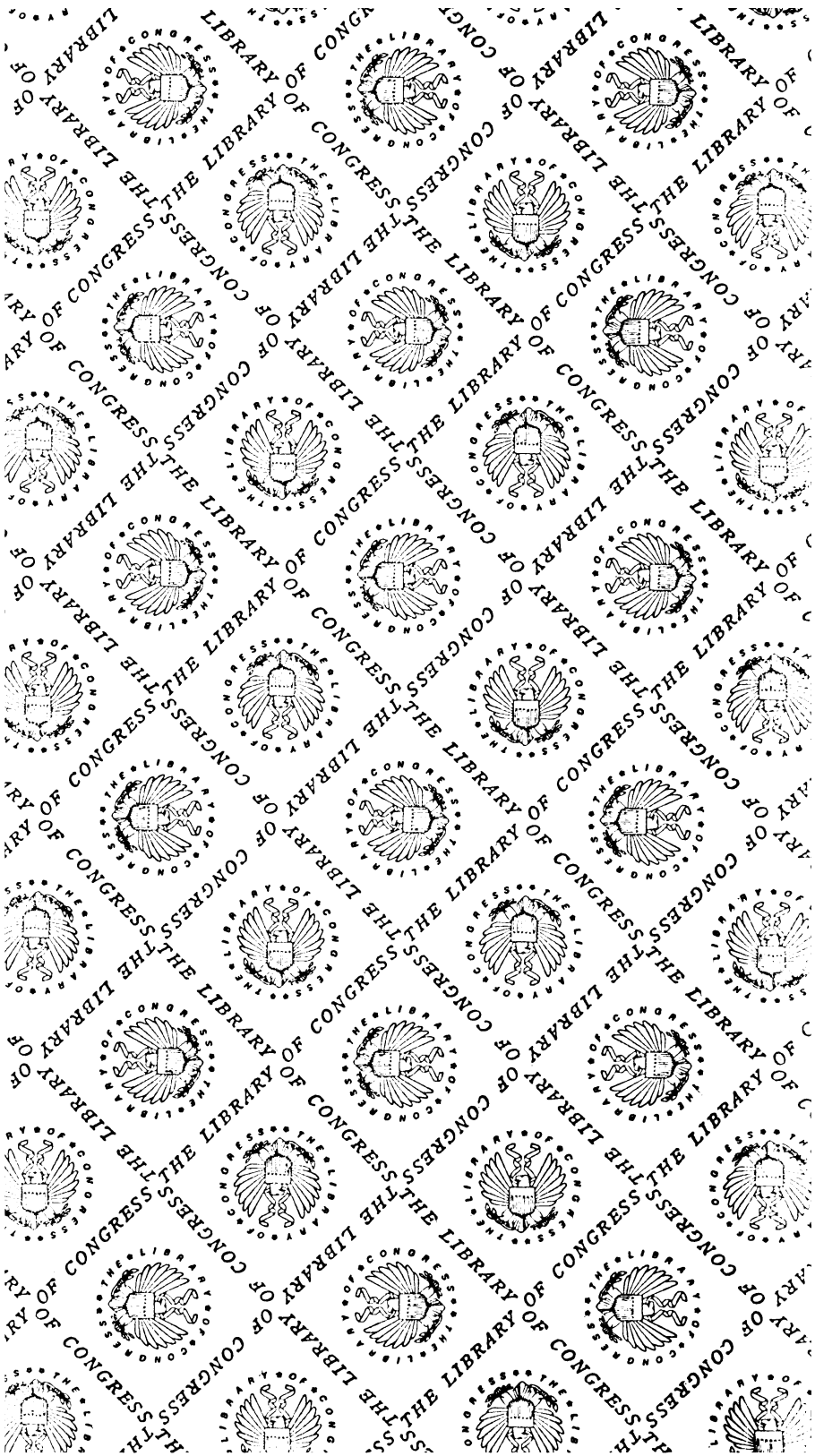
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